

# Agenda

## Environmental Protection Commission

Monday, September 21, 1998

1:00 P.M.

Rathbun Fish Hatchery, RR 2, Moravia

The Commission will tour Rathbun Fish Hatchery  
and Rathbun Rural Water Development projects on  
Tuesday, September 22, at 8:00 A.M.

### Public Participation

1:30 P.M.

Appointment: Counsel for Iowa Select Farms (Items #13 and 14)

2:30 P.M.

Ernie Kersten + Don Grell (Item #15) (on speaker phone)

2:00 p.m.

### Agenda topics

1. Approve Agenda
2. Approve Minutes of August 17, 1998
3. Director's Report Larry Wilson (Information)
4. FY2000/FY2001 Budget Request - Approval Stan Kuhn (Decision)
5. Landfill Alternatives Financial Assistance Awards Contracts Roya Stanley (Decision)
6. Monthly Reports Allan Stokes (Information)
7. 1999 Environmental Monitoring Laboratory Services Agreement with University of Iowa Allan Stokes (Decision)
8. Interagency Agreement with UHL - Air Quality Allan Stokes (Decision)
9. Manure Applicator Certification Program Contract Allan Stokes (Decision)
10. Nonpoint Source Pollution Control Project Contracts Allan Stokes (Decision)
11. Notice of Intended Action--Chapter 12, Environmental Audits Allan Stokes (Decision)
12. Revision of State Implementation Plan for PM<sub>10</sub> for Buffalo Iowa Allan Stokes (Decision)

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|-----|--|-------------------------|
| 13. | Contested Case Appeal--Iowa Select Farms, L.P., Gast Finishing Farm                    | Allan Stokes (Decision) |
| 14. | Contested Case Appeal--Iowa Select Farms, Sow Farm #8                                  | Allan Stokes (Decision) |
| 15. | Contested Case Appeal--Dodger Enterprises Co., Tire Chop Division, and Donale E. Grell | Allan Stokes (Decision) |
| 16. | Referrals to the Attorney General<br>a) Site Services, Ltd. and Wayne Clegg (Algona)   | Allan Stokes (Decision) |
| 17. | General Discussion   |                         |
| 18. | Address Items for Next Meeting   |                         |

### Next Meeting Dates

October 19, 1998

November 16, 1998

December 21, 1998

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, Sept. 21, 1998

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Richard Kelley

UHL

DM S

DANNY VEST

GROWMARK

Bloomington, IL

Charlotte Hubbell

Iowa Environmental  
Council

DM

Teresa Opheim

Iowa Environmental  
Council

DM

John Glenn

Rathbun Reg. Water Assn. Centerville

John Humphrey

"

"

Jaune E Wood

"

"

"

"

"

Shuley A Ruck

"

"

Messanger

Ernest Smith

ABI

DES MOINES

Mike Decker

Rathbun

Dawville, IN

Floyd Hohl

RRWA

Wormellton, IL

Chris Gault

Farm Bureau

WDSM

Doug

BWG

DSM

# ENVIRONMENTAL PROTECTION COMMISSION

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Mike Bader

Tom Sweetfarms

Tom  
Fares

Jim Pray

BWG

DM

RECORD COPY  
File Name: ADM-1-1-1  
Recorder initials: JY  
EPC Meeting  
September 1998  
c. 1098

MINUTES  
OF THE  
ENVIRONMENTAL PROTECTION COMMISSION  
MEETING

SEPTEMBER 21, 1998

RATHBUN FISH HATCHERY  
MORAVIA, IOWA



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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Ehm at 1:00 p.m. on Monday, September 21, 1998 at the Rathbun Fish Hatchery, Moravia, Iowa.

### MEMBERS PRESENT

William Ehm, Chair  
Rozanne King  
Dean McWilliams  
Charlotte Mohr, Secretary  
Gary Priebe  
Terrance Townsend, Vice-Chair  
Rita Venner

### MEMBERS ABSENT

Randal Giannetto  
Kathryn Murphy

Larry Wilson stated that Commissioners Murphy and Giannetto both phoned to say they have a business conflict with today's meeting.

### ADOPTION OF AGENDA

Director Wilson noted that arrangements have been made for a 2:00 p.m. phone conference with Ernie Kersten, counsel for Don Grell, to take up Item #15 - Dodger Enterprises Contested Case Appeal. He also noted that Charlotte Hubbell, IEC, would like to speak to the Commission before action is taken on the Budget Request - Item #4.

*Motion was made by Terrance Townsend to approve the agenda as presented. Seconded by Rozanne King. Motion carried unanimously.*

APPROVED AS PRESENTED

### APPROVAL OF MINUTES

*Motion was made by Dean McWilliams to approve the meeting minutes of August 17, 1998, as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED

**DIRECTOR'S REPORT**

Larry Wilson, Director, introduced John Glenn, Rathbun Rural Water Association, and noted that the Association will join the Commission for dinner this evening. He reported that a staff person from the hatchery will give the Commission a tour of the hatchery tomorrow morning, and John Glenn will provide a tour of the Rathbun rural water facilities.

**APPOINTMENT - CHARLOTTE HUBBELL (BUDGET REQUEST)**

Charlotte Hubbell, Iowa Environmental Council (IEC), thanked the Commission for allowing her to speak before the budget item was taken up. She gave an overview of the IEC and expressed concern about the recent decision of the DNR not to include two million dollars in their budget request for a comprehensive water monitoring program. She listed IEC's involvement and accomplishments in issues related to water quality, such as closing agriculture drainage wells and development of related rules; publishing a directory of volunteer water quality monitoring groups; assisting in an effort to hire a statewide coordinator for volunteer monitoring; and the publishing of a Water Quality Action Plan. She related that three of the goals in that plan relate to professional and volunteer monitoring and she expanded on those goals. Ms. Hubbell stated that the IEC believes there is enough political support to persuade the legislature to appropriate the two million dollars for water quality monitoring. She noted the DNR stated they wanted time to write a more detailed plan to seek this funding. She related that the 1987 Groundwater Protection Plan mandated development of a comprehensive water monitoring plan which was completed in 1989 and never implemented, adding that this is a good start to a plan. Ms. Hubbell noted that the department had outlined what it needs to do to improve monitoring and related that their proposals were more of what is already being done. She stated that IEC believes the department has adequate time to plan for a monitoring program and with a delay monies will not be available until the year 2000. She added that a plan could be developed by July 1, 1999 and the IEC would be happy to assist. She noted that by not taking it to the legislature the public is being shut out. She asked the Commission to direct the staff to reinstate the two million dollars in the budget request.

**FY2000/FY2201 BUDGET REQUEST**

Mark Slatterly, Bureau Chief, Budget and Grants Bureau, presented the following item.

Each commission has a statutory responsibility to approve the DNR's budget request regarding their areas of jurisdiction. By statute, the budget request as approved by the commissions is due at DOM on October 1.

The Iowa Code provides that the NRC approve the agency's budget request as it relates to Fish and Wildlife, Parks, Forestry, and the Five-Year Capital plan. The EPC has similar budget authority regarding the Environmental Protection, Waste Management Assistance, and Energy & Geology. Both commissions have budget request approval authority regarding the Director's

office, Information and Education and Administrative services. Guidance from DOM requests that State agencies submit a general fund request similar to or less than the current appropriation.

A separate budget schedule will be presented detailing the legislative and appropriation actions recommended to support DNR programs in FY2000 and FY2001.

**Operations:** Staff recommends that appropriations, related revenues and staffing be continued at the current FY99 levels for the following divisions: Director's office, Information and Education bureau, and Administrative Services division; Parks, Recreation and Preserves division; the Energy and Geological Resources division and the Waste Management Assistance division. It will be necessary to reflect the transfer of one position from the Waste Management division to the Information and Education bureau.

**Environmental Protection Division:** Staff recommends continuing the appropriation from the General Fund to the Water Protection Fund at the current level of \$729,000 annually. Staff is recommending significant increases in staffing and funding for other environmental protection needs. These issues include Air program funding; water quality; confined feedlot regulation; and "Brownfields." The appropriation for current activities would be continued at the FY99 level.

**Air Quality Program:** Implementation of Federal Clean Air Act updates has added substantial requirements to the State's program, chiefly air emissions (title 5) operating permits. Phase in has been funded by temporary authorization to use Air Emission fees paid by industry and utilities. Authority to use these fees for general program activities ended 9/30/98. The 1998 G.A. authorized use of the Hazardous Waste remedial fund balance for the remaining three quarters of FY99. Neither source is available for FY00 and beyond. Thus, DNR staff is recommending replacement of these sources with \$1,150,000 from the State's General Fund. This was reflected in last year's budget request.

**Total Maximum Daily Load (TMDL):** Recent proposed federal court actions are resulting in implementation of the TMDL requirement contained in federal rules. Briefly, TMDL involves measuring water bodies (lakes and stream segments) for their capacity to accept waste in an environmentally safe manner. Once a body's capacity has been reached, no additional discharging is allowed. To begin implementation, staff is recommending 2 FTE and \$187,000 each year, FY00 and FY01, funded by Storm Water Discharge fees account balance. The account has a current balance of approximately \$1.5 million. This will not impact the ability to carry out other Storm Water funded activities at current levels. This request is intended to fund initial work. It is possible a significant change in funding will be needed once the scope of the program is clearly understood.

**Confined Feedlot Regulation:** H.F. 2494 involves more regulatory workload, chiefly manure management plan review, permitting, compliance inspections, and licensing of manure applicators. An increase of three FTE and support are requested in FY00 and an additional five FTE and support are requested in FY01. \$300,000 is requested each year for contract review of manure management plans. A further increase of five FTE is expected in FY02. Altogether,

this results in an increase of \$422,000 in FY00 and \$634,000 in FY01 from the General Fund, as compared to the FY99 program level.

**Water Quality Monitoring Strategy:** The Water Quality presentation at the July EPC meeting outlined a strong policy argument for an improved State level water quality protection strategy, a major part of which involves measuring ambient water quality on a long term basis in a scientifically valid manner.

To develop a detailed plan and implementation strategy, staff is recommending the addition of one FTE and support, \$56,000 each year, funded by Storm Water fees. Future requests to the General Assembly would be supported by this plan, including funding options and a high level of collaboration by government and private partners.

**Brownfields:** Current legislation established a Land Recycling Fund to support the Brownfields initiative. There is no balance in the fund. The Brownfields program involves charging back actual costs to site owners, not to exceed \$7,500 per site. There is a need for "start-up" funds and a contingency to cover costs which exceed \$7,500. The DNR is recommending an appropriation from the General Fund of \$100,000 in FY00, and assuming receipts of \$20,000 in FY00 and \$120,000 in FY01, plus authority to increase staff by two FTE.

**Fish and Wildlife Officers and Park Ranger SPOC Retirement:** Officers and rangers receive the cash value of unused sick leave at retirement paid into an account used to pay health insurance premiums until exhausted. The typical payout averages \$50,000 per retirement. In past years, officer retirements averaged two per year, and rangers one per year. However, the current number of officers and rangers approaching or over the 55 year retirement age will be significantly higher for the next three or so years.

The FW officer budget has included \$105,000 per year to cover this contingency. The rangers were recently covered under the SPOC agreement. There is no additional money in the Parks budget for this expense.

In FY98, the DNR requested supplemental appropriations from Fish and Wildlife funds and the General Fund to cover higher SPOC retirement costs. These appropriations were established as separate items apart from the regular operating budget. It will be necessary to request additional supplemental appropriations in FY99 depending on retirements.

Thus, it appears reasonable to establish separate funding contingency appropriations in FY00 and FY01 consistent with the FY98 G.A. action. (Note: the \$105,000 in the regular FW budget is proposed to be changed to meet other needs). Thus, staff is recommending \$250,000 be appropriated each year from the Fish and Wildlife trust fund to cover officer retirements and \$200,000 each year from the General Fund to cover ranger retirements.

**Forestry:** An additional district forestry position is recommended for S.W. Iowa. This position was vacant due to an untimely death at the point the State laid off a number of employees in 1991. The division has been responding to landowner service requests from the Creston office

and the Loess Hills forest. As possible, workload adjustments have been made by other district foresters in an attempt to provide service throughout the state. Increasing workload at the Loess Hills forest is significantly impacting ability to meet requests from landowners for service. Statewide, district foresters are about three months behind in responding to technical service requests. Staff is recommending a request of \$50,000 each year for salary and support, funded by the General Fund.

**Fish and Wildlife:** Staff is recommending that \$105,000, formerly supporting SPOC retirement costs in the regular operating budget, be reprogrammed to cover increasing printing and service costs associated with the increasing complexity of deer management. See the SPOC retirement item above.

**Capitals and Special Programs:** Staff is recommending the following appropriation requests in support of capital improvements and special programs.

**REAP:** An appropriation of \$9 million each year from the General Fund is recommended. This is the same as the current FY99 appropriation. The capital plan assumes additional income of \$1.3 million from fund interest and REAP license plate sales.

**Marine Fuel Tax:** \$2,288,689 was appropriated in FY99 from MFT revenues through the Infrastructure program. Staff is recommending continuing this appropriation at \$2,288,000 per year.

**Restore the Outdoors Program:** Staff recommends requesting an appropriation of \$3 million per year from the Infrastructure program to continue restoration of park and recreational area facilities.

**Lake Dredging Program:** The 1998 G.A. appropriated \$2.2 million to address lake restoration needs, including dredging. Staff recommends continuing this program at the \$2.2 million level.

**Recreational Grant Matching Program.** The 1998 G.A. appropriated \$2.5 million for the purpose of providing State matching grants for development of local recreational facilities. Staff recommends continuing this program at the \$2.5 million level.

**Eilnor Bedell Park Development:** The 1998 G.A. appropriated \$430,000 in FY99 to begin development and included specific intent language to appropriate \$278,000 in FY00 and \$50,000 in FY01 for the same purpose. The staff recommends recognizing and supporting this intent.

**Other Programs:** Several other DNR programs, chiefly Fish and Wildlife capitals and Groundwater are authorized by permanent Code language and do not require session appropriation action. Staff recommends these special programs continue at current levels as supported by dedicated federal and state revenues. The FY99 budget includes \$500,000 for a Blufflands revolving loan program. Staff is not recommending additional funding for this program.

Each commission is requested to approve this item as it relates to their particular authority to approve budget requests. Approval of this item does not preclude further budgetary review and recommendations by the commissions as the DNR request proceeds through the Governor's office and consideration by the 1999 General Assembly.

The related fiscal summary will be provided to the NRC at the September 10th meeting and to the EPC at the same time.

**DEPARTMENT OF NATURAL RESOURCES  
APPROPRIATION REQUEST SUMMARY**

Appropriation Name	FY 97 Actual	FY 98 Actual	FY 99 Actual	FY 00 Request	FY 01 Request
General Fund Operations	12,928,185	14,414,690	15,613,561	17,335,561	17,447,561
REAP	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000
Marine Fuel Tax Operations	411,311	411,311	411,311	411,311	411,311
Marine Fuel Tax Capitals	1,800,000	1,800,000	0	0	0
Water Quality Protection	729,000	729,000	414,000	729,000	729,000
ISU Water Contamination Studies	0	0	300,000	0	0
Lewis and Clark Rural Water System	0	15,000	15,000	0	0
Park Officer Retirements	0	350,000	0	200,000	200,000
State Voluntary Clean-up Program	65,000	0	0	0	0
<b>Total General Fund Appropriations</b>	<b>24,933,496</b>	<b>26,720,001</b>	<b>25,753,872</b>	<b>27,675,872</b>	<b>27,787,872</b>
<b>Other Appropriations</b>					
Fish and Wildlife Operations	21,888,693	22,758,029	23,499,548	23,299,548	23,199,548
Fish and Wildlife Officer Retirements	0	250,000	0	250,000	250,000
Fish and Wildlife Capitals	5,944,328	5,164,610	6,306,000	5,161,000	4,758,000
Park Facility Restoration	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Marine Fuel Tax Capitals	0	0	2,288,689	2,288,689	2,288,689
Lake Dredging Program	0	0	2,200,000	2,200,000	2,200,000
E. Bedell State Park Renovation	0	0	430,000	278,000	50,000
Blufflands Revolving Loan Program	0	0	500,000	0	0
Recreational Grant Matching Program	0	0	2,500,000	2,500,000	2,500,000
Groundwater Fund	12,562,191	12,567,738	12,038,000	12,038,000	12,038,000
Oil Overcharge	1,115,000	1,065,000	1,740,000	510,000	0
ISU Earthen Storage Structure Study	0	200,000	0	0	0
ISU Private Well Study	0	0	50,000	0	0
UST Administration Match	75,000	75,000	75,000	75,000	75,000
Snowmobile Fee Transfer to FW	100,000	100,000	100,000	100,000	100,000
Boat Registration Fee Transfer to FW	1,300,000	1,350,000	1,600,000	1,400,000	1,300,000
Appropriation to USDA	50,000	0	0	0	0
<b>Total Other Appropriations</b>	<b>46,035,212</b>	<b>46,530,377</b>	<b>56,327,237</b>	<b>53,100,237</b>	<b>51,759,237</b>
<b>Total Appropriations</b>	<b>70,968,708</b>	<b>73,250,378</b>	<b>82,081,109</b>	<b>80,776,109</b>	<b>79,547,109</b>
Staffing Budgeted FTE	999	1005	1016	1025	1030
Staffing Actual FTE	960	980			

**DEPARTMENT OF NATURAL RESOURCES  
Division Operations, FY00/01 Budget Request**

FY97 Actual	FY98 Actual	FY99 Budget	FY00 Request	FY01 Request
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Director's Office:  
Source of Funds:

## Environmental Protection Commission Minutes

September 1998

General Fund	546,030	555,586	747,089	747,089	747,089
Fish & Wildlife Trust	295,006	323,755	310,707	310,707	310,707
Federal Indirect & Grants	368,552	404,538	461,780	461,780	461,780
Other, Receipts, Indirect Charges	605,519	619,900	704,877	704,877	704,877
Total Sources	1,815,107	1,903,779	2,224,453	2,224,453	2,224,453

**Uses of Funds:**

Directors Office	326,942	324,358	286,970	286,970	286,970
Permit Team	71,068	150,082	180,494	180,494	180,494
REAP Congress	64,296	43,582	40,000	40,000	40,000
Policy Coordination	38,338	24,350	99,676	99,676	99,676
Information and Education	1,314,463	1,361,407	1,617,313	1,617,313	1,617,313
	1,815,107	1,903,779	2,224,453	2,224,453	2,224,453
	0	0	0	0	0

Staffing Budget	26.15 FTE	24.15 FTE	27.15 FTE	27.15 FTE	27.15 FTE
Staffing, Actual	21.3 FTE	22.56 FTE			

	FY97 Actual	FY98 Actual	FY99 Budget	FY00 Request	FY01 Request
<b>Administrative Services Division:</b>					
<b>Sources of Funds:</b>					
General Fund	1,322,470	1,286,966	1,403,534	1,403,534	1,403,534
Fish & Wildlife Trust	1,886,996	1,963,943	2,044,555	2,044,555	2,044,555
Federal Indirect	591,529	690,714	728,456	728,456	728,456
Other, Receipts, Indirect Charges	1,428,025	1,648,809	1,757,722	1,757,722	1,757,722
	5,229,020	5,590,432	5,934,267	5,934,267	5,934,267
	0	0	0	0	0
<b>Uses of Funds:</b>					
Budget and Finance	1,128,663	1,150,740	1,213,845	1,213,845	1,213,845
Central Indirect and Workers Comp	100,909	96,865	100,943	100,943	100,943
Administrative Support	1,375,215	1,395,970	1,548,590	1,548,590	1,548,590
Data Processing	577,242	874,571	824,278	824,278	824,278
Licensing	413,408	379,464	478,004	478,004	478,004
Construction Services	1,013,017	1,101,199	1,133,233	1,133,233	1,133,233
Land Acquisition	466,013	486,364	517,255	517,255	517,255
Division Management& misc.	154,553	105,259	118,119	118,119	118,119
	5,229,020	5,590,432	5,934,267	5,934,267	5,934,267
	0	0	0	0	0

Staffing Budget	93.10 FTE	93.10 FTE	93.10 FTE	93.10 FTE	93.10 FTE
Staffing Actual	89.09 FTE	94.48 FTE			

	FY97 Actual	FY98 Actual	FY99 Budget	FY00 Request	FY01 Request
<b>Parks, Preserves &amp; Rec. Division:</b>					
<b>Sources of Funds:</b>					
General Fund	5,655,336	5,816,510	6,157,037	6,157,037	6,157,037
General Fund Officer Retirements	0	145,388	0	200,000	200,000
Marine Fuel Tax	411,311	411,311	411,311	411,311	411,311
Conservation Fund	2,889,178	2,982,936	2,776,000	2,776,000	2,776,000
Federal and State Grants	57,169	63,736	81,333	81,333	81,333
Cedar Rock Trust	142,227	146,967	140,166	140,166	140,166
Restore the Outdoors	13,856	24,651	34,719	34,719	34,719
	9,169,077	9,591,499	9,600,566	9,800,566	9,800,566
<b>Uses of Funds:</b>					
Parks Management	8,200,256	8,361,898	8,439,215	8,439,215	8,439,215
Officer Retirements	0	145,388	0	200,000	200,000
Recreational Program Development	634,057	703,159	697,020	697,020	697,020
Preserves Grant Programs	0	14,000	48,000	48,000	48,000
Trail Development	71,025	75,720	72,052	72,052	72,052

Cedar Rock Trust	142,227	146,967	140,166	140,166	140,166
Division Management	121,094	136,439	129,113	129,113	129,113
State Revolving Fund Loan	418	7,928	75,000	75,000	75,000
	<u>9,169,077</u>	<u>9,591,499</u>	<u>9,600,566</u>	<u>9,800,566</u>	<u>9,800,566</u>
	0	0	0	0	0

Staffing Budget	195.73 FTE	195.73 FTE	195.73 FTE	195.73 FTE	195.73 FTE
Staffing Actual	199.94 FTE	200.43 FTE			

	FY97 Actual	FY98 Actual	FY99 Budget	FY00 Request	FY01 Request
<b>Forests &amp; Forestry Division:</b>					
<b>Sources of Funds:</b>					
General Fund	1,601,746	1,537,731	1,707,347	1,757,347	1,757,347
Federal	457,936	480,687	460,000	460,000	460,000
Conservation Fund	696,235	805,053	779,000	779,000	779,000
Other	44,214	38,230	30,000	30,000	30,000
	<u>2,800,131</u>	<u>2,861,701</u>	<u>2,976,347</u>	<u>3,026,347</u>	<u>3,026,347</u>
	0	0	0	0	0
<b>Uses of Funds:</b>					
Nursery Management	520,144	562,259	560,769	560,769	560,769
State Forest Area Operations	1,034,548	1,042,851	1,109,187	1,109,187	1,109,187
Forestry Landowner Services	1,108,831	1,143,030	1,176,691	1,226,691	1,226,691
Division Management	136,608	113,561	129,700	129,700	129,700
	<u>2,800,131</u>	<u>2,861,701</u>	<u>2,976,347</u>	<u>3,026,347</u>	<u>3,026,347</u>
	0	0	0	0	0
Staffing Budget	48.71 FTE	48.71 FTE	48.71 FTE	49.71 FTE	49.71 FTE
Staffing Actual	44.08 FTE	46.72 FTE			

	FY97 Actual	FY98 Actual	FY99 Budget	FY00 Request	FY01 Request
<b>Energy &amp; Geo. Resources Division:</b>					
<b>Sources of Funds:</b>					
General Fund	1,723,130	1,721,505	1,898,003	1,898,003	1,898,003
Federal	1,262,960	1,291,408	2,277,641	2,277,641	2,277,641
Oil Overcharge	234,432	252,660	360,213	360,213	360,213
Groundwater	239,384	134,611	190,375	190,375	190,375
SIFIC	247,255	115,478	114,482	114,482	114,482
Fees	89,954	36,889	37,000	37,000	37,000
Other	160,488	248,314	210,680	210,680	210,680
	<u>3,957,603</u>	<u>3,800,865</u>	<u>5,088,394</u>	<u>5,088,394</u>	<u>5,088,394</u>
	0	0	0	0	0
<b>Uses of Funds:</b>					
Energy Management	1,683,644	1,548,469	2,453,603	2,453,603	2,453,603
Geological Services	2,170,197	2,156,684	2,533,064	2,533,064	2,533,064
Division Management	103,762	95,712	101,727	101,727	101,727
	<u>3,957,603</u>	<u>3,800,865</u>	<u>5,088,394</u>	<u>5,088,394</u>	<u>5,088,394</u>
	0	0	0	0	0
Staffing Budget	52.00 FTE	52.00 FTE	54.00 FTE	54.00 FTE	54.00 FTE
Staffing Actual	49.18 FTE	48.26 FTE			

	FY97 Actual	FY98 Actual	FY99 Budget	FY00 Request	FY01 Request
<b>Environmental Protection Division:</b>					
<b>Sources of Funds:</b>					
General Fund	2,143,067	3,037,497	3,700,552	5,372,552	5,484,552
Federal	7,372,378	6,400,260	7,752,827	7,752,827	7,752,827
Groundwater	1,388,786	1,378,736	1,691,062	1,691,062	1,691,062
Fees	305,487	456,365	605,254	848,254	848,254



Water Protection Fund	583,290	697,369	999,445	999,445	999,445
Title V Fees	6,266,545	5,003,827	5,786,544	5,411,544	5,411,544
Hazardous Waste Remedial Fund	534,534	557,043	896,308	121,308	121,308
Tank Insurance Fund Approp	75,000	75,000	75,000	75,000	75,000
BrownFields	104	12,297	0	20,000	120,000
Other	2,518	38,813	55,626	55,626	55,626
	<u>18,671,709</u>	<u>17,657,207</u>	<u>21,562,618</u>	<u>22,347,618</u>	<u>22,559,618</u>

**Uses of Funds:**

Water Quality Bureau	4,883,379	5,107,463	6,074,043	6,739,043	6,951,043
Air Quality Bureau	6,838,763	5,569,001	7,283,304	7,283,304	7,283,304
Land Quality Bureau	2,295,344	2,081,945	2,604,180	2,724,180	2,724,180
Compliance and Enf. Bureau	4,482,342	4,675,228	5,393,309	5,393,309	5,393,309
Division Management	171,881	223,570	207,782	207,782	207,782
	<u>18,671,709</u>	<u>17,657,207</u>	<u>21,562,618</u>	<u>22,347,618</u>	<u>22,559,618</u>
	0	0	0	0	0

Staffing Budget	223.5 FTE	229.50 FTE	236.50 FTE	244.50 FTE	249.50 FTE
Staffing Actual	198.33 FTE	211.67 FTE			

	FY97 Actual	FY98 Actual	FY99 Budget	FY00 Request	FY01 Request
<b>Fish &amp; Wildlife Division:</b>					
<b>Sources of Funds:</b>					
Balance Fwd	5,448,170	4,384,229	5,059,353	3,663,806	1,628,259
Federal	5,473,885	5,892,310	7,425,000	5,890,000	6,356,500
Transfers, Boat & Snowm. Fees	1,400,000	1,400,000	1,700,000	1,500,000	1,400,000
Licenses & Receipts	19,719,147	21,116,313	19,285,000	19,285,000	19,285,000
	<u>32,041,202</u>	<u>32,792,852</u>	<u>33,469,353</u>	<u>30,338,806</u>	<u>28,669,759</u>

**Summary of Uses:****Expenditures & Transfers**

FW Capitals, (See 5yr Plan)	5,768,279	5,164,610	6,306,000	5,161,000	4,758,000
Admin. & Services Support, See Director's Office/ASD	2,182,002	2,287,698	2,355,262	2,355,262	2,355,262

**FW Division Operations:**

Transfer from Trust Fund Receipts, per Appropriation	19,706,692	20,281,191	21,144,285	21,194,285	21,094,285
Federal Reservior Receipts	243,543	237,907	295,445	295,445	295,445
Available for Operations	<u>19,950,235</u>	<u>20,519,098</u>	<u>21,439,730</u>	<u>21,489,730</u>	<u>21,389,730</u>
	0	0	0	0	0

**Uses of Funds:**

Law Enforcement	6,735,258	6,762,445	7,285,425	7,085,425	6,985,425
Officer Retirements	0	97,080	0	250,000	250,000
Fisheries Management	5,959,271	6,100,320	6,355,917	6,355,917	6,355,917
Wildlife Management	6,899,833	7,129,339	7,389,365	7,389,365	7,389,365
Division Management	355,873	429,914	409,023	409,023	409,023
	<u>19,950,235</u>	<u>20,519,098</u>	<u>21,439,730</u>	<u>21,489,730</u>	<u>21,389,730</u>
	0	0	0	0	0

Staffing Budget	342.18 FTE	344.18 FTE	344.18 FTE	344.18 FTE	344.18 FTE
Staffing Actual	338.89 FTE	336.98 FTE			

	FY97 Actual	FY98 Actual	FY99 Budget	FY00 Request	FY01 Request
<b>Waste Mngt. Assistance Division:</b>					
<b>Sources of Funds:</b>					
Groundwater Fund Transfers	1,006,145	1,343,042	1,414,283	1,414,283	1,414,283
Federal	72,069	106,703	124,123	124,123	124,123
Waste Volume Reduction Fund	140,018	23,183	5,100	5,100	5,100
Waste Tire Program	38,448	44,426	54,438	54,438	54,438

Other	4,000	6,750	1,500	1,500	1,500
	1,260,680	1,524,104	1,599,444	1,599,444	1,599,444
<b>Uses of Funds:</b>					
Planning and Grants	311,966	379,145	385,004	385,004	385,004
Waste Reduction and Recycling	367,412	517,751	561,542	561,542	561,542
Waste Reduction Assistance	366,501	325,890	392,573	392,573	392,573
Division Management	214,801	301,318	260,325	260,325	260,325
	1,260,680	1,524,104	1,599,444	1,599,444	1,599,444
	0	0	0	0	0
Staffing Budget	17.75 FTE	17.75 FTE	16.75 FTE	16.75 FTE	16.75 FTE
Staffing Actual	18.84 FTE	19.04 FTE			

**DEPARTMENT OF NATURAL RESOURCES**  
Revenue Estimates by Fund

Fund Name	FY 97 Actual Receipts	FY 98 Actual Receipts	FY 99 Budgeted	FY 00 Budgeted Receipts	FY 01 Budgeted Receipts
Fish and Wildlife Trust Fund	26,593,032	28,408,622	28,410,000	26,675,000	27,041,000
Conservation Fund Parks	2,889,180	2,982,936	2,776,000	2,776,000	2,776,000
Conservation Fund Forestry	696,233	805,054	779,000	779,000	779,000
Administration Fund	456,615	441,984	424,000	424,000	424,000
Red Rock Condition 5	60,808	347,392	70,000	70,000	70,000
Rathbun Condition 5	24,673	25,576	25,000	25,000	25,000
Coralville Condition 5	59,983	93,999	60,000	60,000	60,000
Saylorville Condition 5	46,273	58,607	50,000	50,000	50,000
Des Moines Corridor Condition 5	16,153	15,846	20,000	20,000	20,000
Snyder Condition 5	9,057	9,058	10,000	10,000	10,000
Louisville Bend Condition 5	168	505	2,000	2,000	2,000
Riverton Condition 5	0	38,466	30,000	30,000	30,000
Snowmobile Registration	586,617	203,637	500,000	100,000	500,000
ATV Registration	93,805	51,291	100,000	50,000	100,000
Boat Registration	2,250,448	586,045	2,200,000	500,000	2,200,000
Diamond Shamrock Oil Overcharge	18,867	21,468	15,000	5,000	18,000
Stripper Oil Overcharge	367,410	447,268	150,000	75,000	0
Exxon Oil Overcharge	91,436	94,432	50,000	25,000	0
Hazardous Waste Remedial Fund	347,927	384,466	350,000	350,000	350,000
Groundwater Fund	12,562,191	12,562,191	12,460,595	12,038,000	12,038,000
REAP Fund	10,475,339	10,293,490	10,300,000	10,300,000	10,300,000
Waste Volume Reduction Fund	35,883	17,474	100,000	100,000	100,000
Air Contaminant Source Fund	5,789,157	4,778,331	5,000,000	5,000,000	5,000,000
Groundwater Prof. Regs. Fees	9,200	42,400	10,000	70,000	10,000
Operator Certification Fees	98,186	30,812	100,000	30,000	100,000
Stormwater Permit Fees	249,600	841,206	200,000	200,000	200,000
Well Driller Certification Fees	19,748	32,239	25,000	25,000	25,000
Laboratory Certification Fees	90,300	167,700	150,000	150,000	150,000
Land Recycling Fund	0	0	0	20,000	100,000
Manure Applicator Certification	0	0	0	30,000	30,000
Water Quality Protection Fund	1,147,527	1,187,792	1,180,000	1,180,000	1,180,000
Tire Fund	1,532,729	2,588,509	3,585,000	3,585,000	2,585,000
Pilot Grove	2,294	2,610	3,000	3,000	3,000
Conservation Memorial Trust	0	0	0	0	0
<b>Total</b>	<b>66,620,839</b>	<b>67,561,406</b>	<b>69,134,595</b>	<b>64,757,000</b>	<b>66,276,000</b>

GROUNDWATER PROTECTION FUND	FY 97 Actual Expense	FY 98 Actual Expense	FY 99 Budgeted Expense	FY 00 Budgeted	FY 01 Budgeted Expense
Storage Tank Administration	\$106,179	\$110,652	\$202,955	\$202,955	\$202,955
Department of Health Transfer	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Insurance Fund Transfer	\$421,787	\$429,730	\$462,000	\$462,000	\$462,000

Total Storage Tank Account	\$528,966	\$541,382	\$665,955	\$665,955	\$665,955
Big Springs Study	\$84,508	\$18,222	\$0	\$0	\$0
DNR General	\$0	\$0	\$19,244	\$0	\$0
Total Oil Overcharge Account	\$84,508	\$18,222	\$19,244	\$0	\$0
HHM Toxic Cleanup Days	\$0	\$294,846	\$50,000	\$50,000	\$50,000
Household Haz. Waste Administration	\$235,322	\$236,800	\$320,285	\$320,285	\$320,285
Department of Health Transfer	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Total Household Haz. Waste Account	\$237,322	\$533,646	\$372,285	\$372,285	\$372,285
Department of Health Transfer	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000
Health Center	\$331,379	\$340,919	\$346,247	\$350,190	\$350,190
Leopold Center	\$1,264,000	\$1,341,000	\$1,353,995	\$1,361,850	\$1,361,850
UHL Regents	\$220,919	\$227,280	\$230,830	\$233,460	\$233,460
County Grants Administration	\$73,367	\$66,305	\$57,464	\$57,464	\$57,464
Co Grants 35% Well Testing Closure	\$1,764,795	\$1,828,989	\$1,682,978	\$1,361,850	\$1,361,850
County Conservation Boards	\$0	\$0	\$0	\$0	\$0
Earthen Storage Storage Structure	\$0	\$200,000	\$0	\$0	\$0
Private Well Study	\$0	\$0	\$50,000	\$0	\$0
AG Drainage Wells/ Sinkhole Transfer	\$481,158	\$493,244	\$499,330	\$505,830	\$505,830
Total Agriculture Management Account	\$4,144,618	\$4,506,737	\$4,229,844	\$3,879,644	\$3,879,644
Solid Waste Administration	\$1,836,651	\$2,118,934	\$2,305,623	\$2,305,623	\$2,305,623
Department of Health Transfer	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000
Iowa Waste Reduction Center	\$629,509	\$598,947	\$544,000	\$544,000	\$544,000
Landfil Alternatives Grants	\$3,217,657	\$2,578,452	\$3,500,000	\$3,500,000	\$3,500,000
Special Waste Authorization	\$53,715	\$58,760	\$69,742	\$69,742	\$69,742
By-Products and Waste Search Services	\$0	\$0	\$325,000	\$65,000	\$65,000
Sanitary Disposal Grants	\$0	\$0	\$0	\$0	\$0
By-Products and Waste Search Services	\$301,633	\$340,827	\$246,515	\$221,000	\$221,000
Regional Collection Centers	\$27,291	\$593,522	\$1,391,611	\$323,000	\$323,000
RCC Collection and Transportation	\$0	\$470,153	\$381,362	\$102,000	\$102,000
Toxic Cleanup Days	\$512,623	\$150,334	\$581,265	\$289,000	\$289,000
Buisness Loan Program	\$0	\$169,810	\$221,407	\$90,000	\$90,000
DED Transfer	\$56,000	\$200,000	\$275,007	\$102,000	\$102,000
Waste Reduction and Assistance Prog.	\$176,428	\$232,338	\$277,769	\$187,000	\$187,000
Total Solid Waste Account	\$6,819,507	\$7,520,077	\$10,127,301	\$7,806,365	\$7,806,365
Total Groundwater Fund	\$11,814,921	\$13,120,064	\$15,414,629	\$12,724,24	\$12,724,249

RESOURCE ENHANCEMENT AND PROTECTION FUND	FY 97 Actual Expense	FY 98 Actual Expense	FY 99 Budgeted	FY 00 Budgeted Expense	FY 01 Budgeted Expense
Conservation Education Board	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000
Administration Fund (1%)	\$104,753	\$102,935	\$103,000	\$103,000	\$103,000
Open Spaces (28%)					
DNR Acquisition and Development	\$2,384,899	\$2,342,052	\$2,343,587	\$2,343,587	\$2,343,587
Protected Waters Areas	\$140,288	\$137,768	\$137,858	\$137,858	\$137,858
75% Match to Privates	\$280,576	\$275,536	\$275,715	\$275,715	\$275,715
County Conservation (20%)					
Equal Per County (30%)	\$601,235	\$590,433	\$590,820	\$590,820	\$590,820
Per County Based on Population (30%)	\$601,235	\$590,433	\$590,820	\$590,820	\$590,820
County Conservation Grants (40%)	\$801,647	\$787,244	\$787,760	\$787,760	\$787,760
Soil & Water Enhancement (20%)	\$2,004,118	\$1,968,111	\$1,969,400	\$1,969,400	\$1,969,400
City Park & Recreation (15%)	\$1,503,088	\$1,476,083	\$1,477,050	\$1,477,050	\$1,477,050
State Land Management Trust (9%)	\$901,853	\$885,650	\$886,230	\$886,230	\$886,230
Historical Resource Grant/Loan Fund 5%	\$501,029	\$492,028	\$492,350	\$492,350	\$492,350
Living Roadway Trust (3%)	\$300,618	\$295,217	\$295,410	\$295,410	\$295,410
TOTAL ACCOUNTS	\$10,475,339	\$10,293,490	\$10,300,000	\$10,300,000	\$10,300,000

WATER PROTECTION FUND	FY 97	Actual FY 98	Actual FY 99	FY 00 Budgeted	FY 01 Budgeted
Administration Account	\$440,613	\$537,183	\$796,000	\$796,000	\$796,000
Public Water Supply Account	\$156,576	\$179,644	\$219,927	\$219,927	\$219,927
ISU Water Contaminant Studies	\$0	\$0	\$300,000	\$0	\$0
Lewis and Clark Rural Water System	\$0	\$0	\$15,000	\$0	\$0
<b>TOTAL ACCOUNTS</b>	<b>\$597,189</b>	<b>\$716,827</b>	<b>\$1,015,927</b>	<b>\$1,015,927</b>	<b>\$1,015,927</b>

WASTE TIRE FUND	FY 97	Actual FY 98	Actual FY 99	FY 00 Budgeted	FY 01 Budgeted
Waste Tire Program Administration	\$42,398	\$49,439	\$50,000	\$50,000	\$50,000
Tire Grants to Counties	\$700,000	\$916,302	\$1,000,000	\$1,000,000	\$1,000,000
Regents Tire Derived Fuel Program	\$0	\$7,411	\$100,000	\$100,000	\$100,000
Waste Tire Processor Incentive Program	\$0	\$40,000	\$300,000	\$300,000	\$300,000
Compliance/ Cleanup Program	\$50,000	\$67,342	\$2,135,000	\$2,135,000	\$1,135,000
<b>TOTAL ACCOUNTS</b>	<b>\$792,398</b>	<b>\$1,080,494</b>	<b>\$3,585,000</b>	<b>\$3,585,000</b>	<b>\$2,585,000</b>

## DEPARTMENT OF NATURAL RESOURCES

Decision Package Priority Schedule  
FY00 Budget Request

Rank	Description	General Fund	Other Funds	FTE
<b>Base</b>	75% of current General Fund and FW operations, plus operations funded by federal and earmarked revenues	12,006,223	48,277,835	823.11
1	Restore wastewater construction permit and water quality monitoring activities.	179,599		2.00
2	Restore Floodplain programs by providing for state supervision of flood plain construction activities.	324,737		5.50
3	Provide minimum State General funds to match Federal Air Quality grant. Replaces Hazardous Waste funds and toxics fee waiver used for match in FY99. Includes program increases.	1,150,000	-1,150,000	
4	Restore staffing at 19 state parks to resume campground operation, park security and visitor services at intermediate park management levels.	1,605,766		24.00
5	Restore Big Springs hatchery as well as statewide enforcement and public land management activities.		1,231,662	18.80
6	Restore Yellow River, Stephens, Shimek state forest operations as well as forestry management assistance to land owners.	190,555		3.00
7	Restore administrative support, license, finance, and data processing staff required to maintain basic support for essential departmental activities.	567,348	443,403	19.00
8	Restore gauging stations and geologic and hydrologic data used for development, management and conservation of water and mineral resources.	341,283		4.00
9	Restore fire protection and urban forestry programs as well as 98% of the DNR's state forest management capabilities	164,445		3.83
10	Restore wildlife extension work with local landowners, fish management/stocking and law enforcement activities.		1,263,555	20.00
11	Restore water withdrawal program by providing for state supervision of water use activities.	147,844		2.50
12	Restore staffing at Volga, Backbone, and Lake Manawa to resume operations, park security, and visitor services at intermediate park management levels.	125,010		3.00
13	Restore staffing at Beeds Lake, and Mines of Spain as well as part-time help to 14 other State Recreation areas to maintain recreation facilities.	138,077		5.00

14	Restore sediment stations to monitor sediment (erosion) load of streams, and to restore collection and analysis of water-use data.	50,000		0.00
15	Restore field information and education activities, resuming TV, radion, periodical and brochure contact with the public concerning DNR programs.	65,829	51,723	2.00
16	Restore Mississippi monitoring programs and fish and wildlife research activities as well as recreational safety programs.		1,278,915	17.80
17	Restore state forest management activities to 100% of current FY96 level of service.	88,007		2.00
18	Restore part-time help required to maintain day to day wildlife and fisheries facilities as well as boating navigation enforcement activities.		1,429,240	58.58
19	Restore publishing support for brochures, magazine and news release preparation.	24,549	19,289	1.00
20	Restore media link electronic news release service.	5,600	4,400	0.00
21	Restore Millfoil Eradication Program		100,927	1.00
22	Provide for establishing Total Daily Loads (TMDL) on identified impaired waters in accordance with federal regulations		187,000	2.00
23	Provide for Manure Management Plan review, approval, and followup, permit issuance, and inspection.	422,000		3.00
24	Provide for the development of a statewide water quality monitoring strategy.		56,000	1.00
25	Provide for the administration of the Brownfields Program.	100,000	20,000	2.00
26	Provide for the replacement of worn out boats, motors, trailers, and other miscellaneous boating equipment used in fish and wildlife water patrol activities.	0	100,000	
27	Reprogram funding reserved for SPOC Officer retirements to address increased costs associated with deer management regulation and licensing.	0	0	
28	Reestablish the S. W. Iowa Forest District.	50,000		1.00
<b>Total Packages</b>		<b>5,740,649</b>	<b>5,036,114</b>	<b>202.01</b>
<b>Total Anticipated Operations Request</b>		<b>17,746,872</b>	<b>53,313,949</b>	<b>1025.12</b>
		0	0	0

## DEPARTMENT OF NATURAL RESOURCES

Decision Package Priority Schedule  
FY01 Budget Request

Rank	Description	General Fund	Other Funds	FTE
<b>Base</b>	75% of current General Fund and FW operations, plus operations funded by federal and earmarked revenues	12,006,223	48,277,835	823.11
1	Restore wastewater construction permit and water quality monitoring activities.	179,599		2.00
2	Restore Floodplain programs by providing for state supervision of flood plain construction activities.	324,737		5.50
3	Provide minimum State General funds to match Federal Air Quality grant. Replaces Hazardous Waste funds and toxics fee waiver used for match in FY99. Includes program increases.	1,150,000	-1,150,000	
4	Restore staffing at 19 state parks to resume campground operation, park security and visitor services at intermediate park management levels.	1,605,766		24.00
5	Restore Big Springs hatchery as well as statewide enforcement and public land management activities.		1,231,662	18.80
6	Restore Yellow River, Stephens, Shimek state forest operations as well as forestry management assistance to land owners.	190,555		3.00

7	Restore administrative support, license, finance, and data processing staff required to maintain basic support for essential departmental activities.	567,348	443,403	19.00
8	Restore gauging stations and geologic and hydrologic data used for development, management and conservation of water and mineral resources.	341,283		4.00
9	Restore fire protection and urban forestry programs as well as 98% of the DNR's state forest management capabilities	164,445		3.83
10	Restore wildlife extension work with local landowners, fish management/stocking and law enforcement activities.		1,263,555	20.00
11	Restore water withdrawal program by providing for state supervision of water use activities.	147,844		2.50
12	Restore staffing at Volga, Backbone, and Lake Manawa to resume operations, park security, and visitor services at intermediate park management levels.	125,010		3.00
13	Restore staffing at Beeds Lake, and Mines of Spain as well as part-time help to 14 other State Recreation areas to maintain recreation facilities.	138,077		5.00
14	Restore sediment stations to monitor sediment (erosion) load of streams, and to restore collection and analysis of water-use data.	50,000		0.00
15	Restore field information and education activities, resuming TV, radion, periodical and brochure contact with the public	65,829	51,723	2.00
16	Restore Mississippi monitoring programs and fish and wildlife research activities as well as recreational safety programs.		1,278,915	17.80
17	Restore state forest management activities to 100% of current FY96 level of service.	88,007		2.00
18	Restore part-time help required to maintain day to day wildlife and fisheries facilities as well as boating navigation enforcement activities.		1,429,240	58.58
19	Restore publishing support for brochures, magazine and news release preparation.	24,549	19,289	1.00
20	Restore media link electronic news release service.	5,600	4,400	0.00
21	Restore Millfoil Eradication Program		100,927	1.00
22	Provide for establishing Total Daily Loads (TMDL) on identified impaired waters in accordance with federal regulations		187,000	2.00
23	Provide for Manure Management Plan review, approval, and followup, permit issuance, and inspection.	634,000		8.00
24	Provide for the development of a statewide water quality monitoring strategy.		56,000	1.00
25	Provide for the administration of the Brownfields Program.	0	120,000	2.00
26	Provide for the replacement of worn out boats, motors, trailers, and other miscellaneous boating equipment used in fish and wildlife water patrol activities.	0	0	
27	Reprogram funding reserved for SPOC Officer retirements to address increased costs associated with deer management regulation and licensing.	0	0	
28	Reestablish the S. W. Iowa Forest District.	50,000	0	1.00
<b>Total Packages</b>		<b>5,852,649</b>	<b>5,036,114</b>	<b>207.01</b>
<b>Total Anticipated Operations Request</b>		<b>17,858,872</b>	<b>53,313,949</b>	<b>1030.12</b>
		0	0	0

Mark Slatterly explained the difference in requests from one year to another. He further explained details of specific, individual appropriation requests listed in the budget request and Decision Package Priority Schedule. He noted that #24 on the FY00 decision package is the issue Ms. Hubbell spoke about. He stated that it is not a general fund request but is a request to be able to use Stormwater Permit Fees to fund one FTE, at \$56,000, to develop a statewide

water quality monitoring strategy. He stated that the department does not have a comprehensive plan put together delineating how much funds would be needed and how those funds would be spent. the position proposed would develop such a plan.

Terrance Townsend commented that he was disappointed when he read in the newspaper that the department had significantly cut the amount in decision package #24, adding that when he left the meeting last month he thought there was a pretty good chance it would be left at two million. He added that he would like to see more funding put back in for that item.

Chairman Ehm agreed, adding that to drop a two million dollar project to \$56,000 is a mere token. He related that he does not want to insitute a program that is not well thought out to accomplish what is needed, but questioned taking a full year to study it. He stated that the money should come from the general fund as the monitoring is for all Iowans, adding that the Commission needs to take that stand.

Director Wilson stated the amount of 2-5 million dollars, which was discussed following Jack Riessen's presentation to the Commission recently, was the low and high ends of a water quality monitoring program. He noted that the department is not ready to take on that kind of money, and the department has never had the practice of asking for money while not being prepared to spend it. He related that the department will only ask from the legislature what they are prepared and capable of spending. He added that he thinks it is a little too soon to ask for those kinds of dollars until he can go before the legislature and tell exactly how the dollars are going to be spent. He reminded the Commission that last year the department submitted a \$300,000 request to set up a comparable watershed monitoring program around livestock facilites and the legislative appropriations subcommittee elected to send that money to ISU instead of the department, and it may have been because it was not clear enough exactly how those programs would be executed if the money was made available.

Mr. Stokes stated that staff must be able to explain to the legislature details of a plan such as where the monitoring stations are going to be best targeted, will they be monthly or quarterly monitoring stations, where will the enhanced fish tissue monitoring be done, will there be paired water sets to determine various impacts, and what are the finite costs. He related that staff would not be prepared to do that at this time. Mr. Stokes added that he would like to put that information together in a collaborative approach with environmental interests.

Ms. Hubbell commented that her understanding is the legislature does not necessarily ask those kinds of detail questions, adding that it is left to the discretion of the DNR. She discussed a draft budget for water monitoring which was presented by Jack Riessen and calls for two FTE's. She related that those FTE's could elaborate on a plan which is already setting on the shelf, adding that the department could go forward with a plan that is already in progress. She suggested taking it to the legislature and have public debate on it.

It was noted that page 11 was listed twice and page 12 containing the REAP fund was missing. Mr. Slatterly distributed copies of the correct page 12 (REAP fund) to the commissioners.

Charlotte Mohr asked how long it would take to get a plan together to take to the legislature.

Mr. Wilson stated that the request was to fund a staff person to begin developing this program.

Discussion followed in regard to not having to wait a year to begin the plan.

Mr. Stokes stated that the amount of time to put the program together depends on the methodology that is employed and the detail of the program, adding that it will take time to put together a collaborative process. In reference to a statement by Ms. Hubbell, Mr. Stokes stated that the legislature does not give money to the department and leave it to them to work out the details. He related that they, most generally, want very detailed information.

Further discussion took place in regard to the amount of money to request and when to begin the plan.

*Motion was made by Charlotte Mohr to approve the Budget Request with an amendment to Decision Package Priority Schedule-FY2000, item #24, to add to the request one million dollars from the general fund.*

Considerable discussion followed regarding how, when, the amount of funding, and the number of staff needed to put a plan together. Director Wilson noted that the department should be ready to go when they ask for funds and expressed concern that if one million dollars were appropriated it may just sit there waiting to be spent, as the needed staff and plan are lacking at this time.

Terry Townsend commented that the Commission needs to make this a high priority, adding that they discussed it for three months and no one said it could not be done.

Director Wilson reviewed the approach taken on the Air Toxic Program, noting that the legislature was advised a few years in advance that other sources of funds were drying up and a request would be made to replace those funds. He related that a good approach is to prepare the legislature several years ahead of time.

*Chairman Ehm requested a roll call vote on Commissioner Mohr's motion. "Aye" vote was cast by Commissioners Mohr, Townsend, King, and Ehm. "Nay" vote was cast by Commissioners Priebe, Venner, and McWilliams. Motion failed on a vote of 4-Aye to 3-Nay.*

**MOTION FAILED**

*Motion was made by Gary Priebe to approve the FY2000/FY2001 Budget Request as presented, with a written statement that the FY2001 budget request will include two million dollars for Decision Package Priority Schedule, item #24 (water quality monitoring strategy). Seconded by Dean McWilliams. Chairman Ehm requested a roll call vote. "Aye" vote was cast by*



*Commissioners Priebe, Venner and McWilliams. "Nay" vote was cast by Commissioners Townsend, King, Mohr, and Ehm. Motion failed on a vote of 3-Aye to 4-Nay.*

**MOTION FAILED**

Chairman Ehm stated it was 2 p.m. and the Commission had an appointment for a phone conference on Item #15 at that time.

*Motion was made by Gary Priebe to table Item #4, FY2000/FY2001 Budget Request Approval until later in the meeting. Seconded by Rozanne King. Motion carried unanimously.*

**TABLED UNTIL LATER IN MEETING**

**CONTESTED CASE APPEAL--DODGER ENTERPRISE CO., TIRE CHOP DIVISION;  
AND DONALD E. GRELL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On July 9, 1997, the department issued Administrative Order No. 97-SW-10 to the above-named parties. That action required the parties to comply with their permit for waste tire processing and storage. On November 21, 1997, the department issued a Notice of Intent to Revoke the permit, and denied an application for a new permit. Those actions were appealed by the parties, and the matter proceeded to administrative hearing on April 23, May 6, and May 8, 1998. The Administrative Law Judge issued the Proposed Decision on June 26, 1998. The decision affirmed the department's actions.

Dodger Enterprises and Don Grell have appealed this order to the Commission. The Proposed Decision has been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Director Wilson telephoned Ernie Kersten to enable Mr. Kersten and Donald Grell to participate in this item by speaker phone.

Mr. Murphy briefed the Commission on this case noting that it involves the appeal of Dodger Enterprises of an ALJ decision dated 6/26/98. He related that the matter involves the appeal of an Administrative Order issued in July 1997 and a Notice in November 1998 relating to revocation of their solid waste permit and denial of an application for a new waste tire management permit. Mr. Murphy stated that the ALJ decision summarizes the facts and the law

and upholds the decisions of the department, and staff are asking the Commission to affirm the ALJ decision.

### **Appointment - Ernie Kersten**

Ernie Kersten, counsel for the appellants, stated that Mr. Grell did not contest the department's allegation that he was over count under his permit, but offered arguments as to why he is over count. He related that he was over count due to inactions by the DNR since the legislature banned the landfill disposal of whole tires in July 1991. Mr. Kersten stated that the department has dragged its feet in developing rules for beneficial uses of waste tires. He noted that Mr. Grell requested the DNR to amend his permit before it expired in November 1997, and the department claims it never got the letter although testimony and documents in the administrative proceeding clearly indicated the department was notified through letters to Mr. Murphy and the field office. Mr. Kersten related that had the department acted on the request for permit amendment, Mr. Grell would not have been over count, adding that the DNR chose not to respond to it until the permit had already expired. Mr. Kersten said the department was to give a seven day turnaround on requests for beneficial use projects but Mr. Grell never received a seven day turnaround on any of his requests, and as a result was unable to dispose of his product. He spoke about an agreement Mr. Grell had with the local solid waste agency to take up to 770,000 whole tires for a liner project at the landfill, but they later elected not to seek a permit to store the tires, and as a result Mr. Grell said he would temporarily store them at his place. The landfill chose to back out of the agreement and had used only 350,000 tires, leaving Mr. Grell with the remainder of the tires. Mr. Kersten noted that the new Fort Dodge Correctional Facility was going to use some of the tires for fuel, but as a result of actions by the local utility company that project fell through. He related that Mr. Grell has received no cooperation from local officials and he has labored long and hard to develop beneficial uses for tires. Mr. Kersten stated that as a result of a host of factors, including the department's inaction, Mr. Grell has been left without a way to get rid of his tires.

Chairman Ehm commented that he understands Mr. Grell's permit was amended one or more times for some beneficial uses he was trying to satisfy.

Mr. Grell stated that his permit was never amended because everything he sent in was either late or lost. He related that he had a request in for a monofill and when the permits were changed everything was sent in, and the DNR still has his \$850. He stated that the department accused him of not posting the proper clean up bonds which still is not required until June of next year. He related that he had proper fire lanes and expanded on that issue. Mr. Grell stated that he has no choice but to take a licking on the amount of money he has spent and to try to stay in business. He noted that if he is not able to get rid of the material other than the reusable tires he is bound to gain tires. He spoke about the beneficial uses committee he served on and related that beneficial uses do not mean much if they are too expensive. Mr. Grell stated that he deeded the property to the DNR because he wasn't capable of making it and having to live by the rules they set. He said he has come to the conclusion that there is no alternative but to go on to District Court and see what they say about it.

Dean McWilliams asked Mr. Grell if he is still accepting tires and if so, why.

Mr. Grell replied that he is accepting them because he can still legally do it and he has to live.

*Motion was made by Rita Venner to affirm the decision Administrative Law Judge. Seconded by Charlotte Mohr. Motion carried unanimously.*

**ALJ DECISION UPHELD**

**CONTESTED CASE DECISION APPEAL--IOWA SELECT FARMS, L.P., GAST FINISHING FARM**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On September 19, 1997, the department issued Administrative Order No. 97-WW-26 to Iowa Select Farms, L.P. That action required the company to retain and properly dispose of manure; and to pay an administrative penalty of \$1,500. That action was appealed by Iowa Select, and the matter proceeded to administrative hearing on April 13, 1998. The Administrative Law Judge issued the Proposed Decision on May 29, 1998. The decision affirms the Order, with the exception of reducing the penalty to \$1,125.

Iowa Select and the Department have appealed this Proposed Decision to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

**Appointment - Doug Gross**

Doug Gross, counsel for Iowa Select Farms, stated that there are several issues that need to be brought to the attention of the Commission. He related that first and foremost ISF considers itself an above average producer in the industry in terms of its commitment to the environment. He noted that ISF received an Environmental Stewardship Award from National Pork Producers. He stated that ISF takes all Administrative Orders and fines very seriously. He noted that there are two major issues in question, the first being who is responsible for the compliance of all the regulations associated with the handling and storage and application of manure in contract situations. Mr. Gross explained that one party may own the hogs, another party may own the facility, another party may manage the facility, and possibly a certified applicator may apply the manure to the field. He contended that in a situation where there are contract relationships whoever caused the problem should be liable. He related that the ALJ decision states that if you are the owner of the hog you are strictly liable no matter what the situation is. He expanded on

this issue adding that in regard to underground storage tank contamination the statute says the owner is liable, but in this situation the statute does not say that. He related that the ALJ says if you own the hog you are responsible for the facility, grower, the applicator and all.

Mr. Gross stated that the second legal issue before the Commission relates to the statute which sets out the requirement that a confinement facility has to hold the manure safely and cannot discharge it into a stream. He related that once it is applied, it has to meet all of the regulations associated with application of manure, but the statute says once you meet all of those regulations, then you are deemed to have complied with the application requirements. He noted that despite the fact that ISF met all the requirements of application DNR still found ISF liable, even though there is a "safe harbor" in the regulations. Mr. Gross stated that the safe harbor issue is very important for producers all over the state and the law says if you meet those requirements you are okay, but the ALJ decision says you're not okay. He noted that in the Gast Finishing Farm case ISF owns the hogs and the facility but contracts with a grower to manage the facility, and when there was a snow melt there, less than 5 gallons effluent trickled into a tile intake. He noted that DNR administered an AO and fine to ISF but did not fine the applicator, only gave him an AO. Mr. Gross contended that when ISF has a contract with an applicator to grow their hogs and he is responsible for the manure, follows all the requirements of the law in applying the manure, and there is no significant environmental impact created in the spill, it is questionable whether or not ISF should be liable in that kind of situation.

Mr. Gross stated that in the second case ISF leases a site from Jack DeCoster and under the lease with Mr. DeCoster he is responsible for handling all of the manure storage as well as application. He related that at the time of the spill DeCoster did not have the authority from DNR to allow the manure to go into the lagoon. Instead, he used the underground storage pits and pumped them out every 5-6 weeks, but he took the plug out of each building so the manure would all run down to the last building and it would be easier to pump out. Mr. Gross stated that Mr. DeCoster was to provide all of the propane for the facilities but he had not installed the propane line, so ISF hired a contractor to install the propane lines, as heat was needed. The sewer line was shallower than normal, and as a result the contractor when installing the propane line cut the sewer line, which resulted in a spill. Mr. Gross reviewed actions taken by ISF. He stated that Mr. DeCoster was supposed to take care of handling the manure appropriately, making sure it was stored and applied appropriately, making sure there was a propane tank there and meet all the requirements of the statute, and yet ISF received an AO and a fine and Mr. DeCoster did not receive a thing. Mr. Gross stated that ISF is not being treated fairly and asked the Commission not to accept the ALJ decision in both of these cases.

Chairman Ehm suggested taking Item #13 first (Gast Finishing Farm) and asked staff to make comments.

Randall Clark, Compliance and Enforcement Bureau, stated that these cases have similar questions as far as responsibility and in both cases there are contractual relationships, and the basic crux of what the ALJ decided is that those private relationships should not determine what happens under state law. He related that the state law is broad in saying that anyone is responsible depending on the facts of the case. He added that a party should not be able to say

that they are insulated because of private contracts. Mr. Clark stated that the "safe harbor" issue in regard to the Gast case, that terminology which ISF is using is based upon a particular provision of the Iowa Code 455B.201(2), which talks about manure from an animal feeding operation shall be disposed of in a manner which will not cause surface water or groundwater pollution, and that disposal in accordance with the rules and the guidelines of the statutes shall be deemed in compliance with that. He related that particular subsection of the law is dealing with animal feeding operations. He noted that the department did not allege that there was a violation of that particular subsection, but was alleging that there was a violation of subsection (1) of 455B.201, which says a confinement feeding operation shall retain all manure produced by the operation between periods of manure disposal, and confinement feeding operations shall not discharge manure directly into a water of the state or into a tile line that discharges directly into a water of the state. Mr. Clark explained that a confinement feeding operation is a more specific requirement and that the big group consists of animal feeding operations and within that group there are confinement feeding operations, a smaller group of roofed facilities. He related that the confinement operation provision in subsection (1) applies only to that provision, and the department was only alleging that was the violation. He stated subsection (2) which ISF is using for their safe provision is an insulating provision for them, and he read that portion of the law. He related that the department's position is that particular subsection has no relevance to subsection (1) which pertains to confinement feeding operations, which the Gast facility was a confinement feeding operation. Mr. Clark noted that the ALJ agreed with that argument of the department and found that they are responsible because the department did not allege there was a violation of subsection (2), only subsection (1). He stated that there was a discharge into a tile line and no matter what the amount, the fact is there was a discharge and a tile line is a water of the state. Mr. Clark noted that the Yoder case applied an exception to a restatement and he expanded on that issue. He stated that regardless of a contractual arrangement with Mr. Gast, the facility and the hogs are ISF's and they share in the responsibility. He related that Mr. Gast was issued an AO with no penalty as it was a first-time violation for him. He noted that ISF had other previous violations at other facilities so they were issued an AO with a penalty. Mr. Clark stated that staff are asking that the ALJ decision be upheld except for the penalty rationale of the ALJ. He related that the ALJ reduced the penalty amount from \$1,500 to \$1,225 and the department is asking to stay with that amount but change the rationale so the department can allege for multiple violations of the same incident, that they can be added up as far as a maximum penalty.

Following considerable argument and rebuttal of the issues by Mr. Gross and Mr. Clark and questions and answers by the Commission, Chairman Ehm told the Commission that they need to make a decision on these issues or it could be tabled to next month. He stated that there is the issue on the ability of the department to levy a fine on multiple issues; the department's appeal; the safe harbor issue which Mr. Gross contends was applied improperly; and the issue as to whether they should be held liable in all situations as opposed to the contracted party.

Charlotte Mohr commented that ISF is trying to be in compliance and do the right thing and it should be taken into consideration. She asked Mr. Gross if ISF has had any other fines. Mr. Gross replied "no," adding that there is the other Administrative Order and the reason they

had that was because they did not have the ability to appeal when a contract applicator left a hose out and it froze overnight, and subsequently drained into a tile.

*Motion was made by Charlotte Mohr to table the matter until next month.*

Chairman Ehm noted that if it is tabled until next month that the Commission should be ready to make a decision at that time.

Mr. Gross stated that when there is one act, the department should not be able to list multiple statutes as being violated and then assess multiple penalties.

*Motion failed for lack of a second to the motion.*

Gary Priebe stated that he has a real problem with this and feels it is setting a precedent with contract operations, and he cannot vote to affirm this decision. He added that if one contracts with a person to do a job, as far as he is concerned, the person you contract with is responsible.

Rozanne King stated that she would like to see the department work with a group to better define these sections of the code as it is misleading in the way it is being interpreted. She added that in looking back the Commission has not shown much leniency for anyone who creates or causes a spill. She also expressed concern with what this may do in the future in the way of setting a precedent.

Chairman Ehm stated that he realizes this is uncomfortable because it is something the Commission is not familiar with but it is the Commission's responsibility to act on it.

*Motion was made by Charlotte Mohr to reverse the decision of the Administrative Law Judge based on the interpretation of 455B.201(2). Seconded by Rita Venner.*

Chairman Ehm asked if the wish is to uphold the balance of the ALJ decision, noting that there is the issue of the ability of the department to assess cumulative penalties for the same action. He explained that the ALJ said they cannot do that.

Mr. Clark explained that the ALJ is saying there is one action, basically one incident. He related that there is more than one statutory or rule violation, and since there are two separate violations the department contends there should be a fine of \$5,000 each (\$10,000 maximum). He noted that the ALJ is saying the department can only have \$5,000 maximum because it was one incident.

Mr. Murphy noted that Mr. Clark's brief indicated that in this case the department is willing to accept that but the language has a more far reaching effect than that. He added that staff feel they should have the option of citing two violations in a case like that. He related that staff are asking for a clarification but not any change in the ALJ finding that the fines should be reduced in this case.

Mr. Gross commented that the department wants to allow for cumulative penalties in this case and his problem with that is that the department says: 1) ISF polluted and 2) ISF allowed water into a tile line, and they counted this as two violations. He compared it to a criminal offense and related that you only take the lesser included offense, and you don't get criminal penalties for both activities when there is only one action.

*Chairman Ehm reviewed that the motion on the floor is to reverse the ALJ decision in terms of the cumulative penalties and at the same time reverse in terms of the interpretation of 455B.201(2). He requested a roll call vote. "Aye" vote was cast by Commissioners Priebe, Venner, King, Mohr, and Ehm. "Nay" vote was cast by Commissioners Townsend and McWilliams. Motion carried on a vote of 5-Aye to 2-Nay.*

**ALJ DECISION REVERSED**

**CONTESTED CASE APPEAL--IOWA SELECT FARMS, L.P., SOW FARM #8**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On December 12, 1997, the department issued Administrative Order No. 97-WW-46 and 97-HC-11 to Iowa Select Farms, L.P. That action required the company to retain and properly dispose of manure; to comply with hazardous condition notification requirements; and to pay an administrative penalty of \$3,000. That action was appealed by Iowa Select, and the matter proceeded to administrative hearing on April 9, 1998. The Administrative Law Judge issued the Proposed Decision on May 29, 1998. The decision affirms the Order, with the exception of reducing the penalty to \$2,166.

Iowa Select and the Department have appealed this Proposed Decision to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Chairman Ehm reviewed that this was the issue where the trencher cut through the tile line, which due to the facility design contained manure, and it resulted in a 40,000 - 50,000 gallon release.

Mr. Clark stated that the distinction in this case is that there is a lease arrangement between ISF and Jack DeCoster which indicates that Mr. DeCoster is responsible for the manure handling and disposal. He noted that what happened in this case did not involve manure handling and disposal but involved trenching to install a propane line, which ISF undertook on their own

initiative. Rather than require Mr. DeCoster to install the propane line ISF undertook it themselves and in the process the manure line was severed. Mr. Clark stressed that the ALJ found that the severance of the manure line was the cause of the spill, adding it had nothing to do with the manure disposal arrangements. He reiterated it was the duty of ISF to retain manure between periods of manure disposal and the ALJ found that it applies to ISF as well. Mr. Clark stated that there is also the issue of a large discharge of manure/water mixture which should have been reported within six hours and it was not reported until the next morning, and the ALJ agreed that ISF should have notified the department within six hours. He asked the Commission to uphold the ALJ decision.

Doug Gross stated that this is not an application case so the safe harbor issue does not apply here. He stressed that Mr. DeCoster had the responsibility, under the terms of the lease, to handle and dispose of the manure appropriately. He related that once the manure left ISF's hog it became the responsibility of Mr. DeCoster, adding that it was his facility and he had the permit, not ISF. He asked why Mr. DeCoster did not receive an Administrative Order or a fine, instead of ISF. He stated that if it wasn't for the fact that Mr. DeCoster did not have the lagoon ready to go and pulled the plugs, there would not have been a spill. He added that is causation.

Terrance Townsend commented that he is in favor of affirming the case because there was no release normally taking place with the way Mr. DeCoster was handling the manure until this happened. He added that regardless of whether he had a lagoon or not, whatever he was doing at that time was sufficiently handling the manure that was being generated. Commissioner Townsend related that, in his mind, whoever had the contractor do the work is responsible for reporting the release.

*Motion was made by Terrance Townsend to affirm the decision of the Administrative Law Judge.  
Motion failed for lack of a second.*

**MOTION FAILED**

Gary Priebe stated that he has a problem with who is liable in a contract situation and he agrees with Commissioner Townsend to some extent, but in this case ISF took it on their own volition to dig in the line. He added that he thinks the contractor was liable as anytime one digs in a line there is a hole deep enough to see what they hit, but he still has a problem with who is liable in a contract situation.

Chairman Ehm commented that he has fed livestock for quite a few years and it was made clear to him by the Cattleman's Association a number of years ago that the law states the manure belongs to the person who owns the livestock, whether they are on his premises or not.

Discussion followed regarding who is actually responsible in these situations; contractor liability; the law requiring the manure to be contained; and not being able to contract away one's liability.



*Motion was made by Terrance Townsend to affirm the decision of the Administrative Law Judge with the exception that the department have the ability to fine on multiple issues. Seconded by Gary Priebe. Motion carried unanimously.*

**ALJ DECISION AFFIRMED WITH ADDITIONAL EXCEPTION**

**FY2000/FY2001 BUDGET REQUEST APPROVAL (CONTINUED)**

*Motion was made by Gary Priebe to remove this item from the table. Seconded by Terrance Townsend. Motion carried unanimously.*

**REMOVED FROM TABLE**

Chairman Ehm explained that during the coffee break Charlotte Hubbell indicated she could possibly help the Commission come to a decision in this matter.

**Charlotte Hubbell**

Ms. Hubbell distributed copies of a paper on Surface and Groundwater Monitoring in Iowa which IES drafted in February. She related that Susan Heathcote, IES Research Director, believes that some things can be added to the existing monitoring network that would not require additional planning such as: testing for new pesticides, different aquatic life forms monitoring, and monitoring of lake beaches. She noted that a request could be made for \$500,000 for testing for new pesticides at fixed locations, methods development for new pesticides, adding biological monitoring at fixed locations, adding lakes and aquifers wherever there is recreational use, and adding the stations that will go off line in the near future. She expanded on these issues and noted that they could also include portions of the groundwater monitoring plan from 1989. She stated that some things could be added that do not require any planning.

Chairman Ehm asked if these things could be accomplished.

Mr. Stokes stated that he is still troubled with the proposal on surface water that with \$500,000 the existing stations can do more herbicides, pesticides, biologic and expand into lake monitoring without having the ability to put the pencil to paper. He related that the question remains as to which lakes would be sampled, all lakes or only state-owned lakes with swimming beaches, only lakes with public swimming beaches, and what the costs would be to do that monitoring. He asked if one would single out a particular industry for pesticide and herbicide monitoring, or expand to other parameters which might be coming from urban runoff. Mr. Stokes stated that in regard to groundwater monitoring there was a plan some time ago and maybe there is a need to revisit some of the parameters to be looked at, and the targeting or numbers based on the data that has been gathered by the groundwater monitoring. He noted that there are some questions that need to be answered relative to looking at the right parameters. He

stated that he would still prefer to dialogue with a broader group of people to come up with a firm plan.

Charlotte Hubbell commented that where you have a case to make you can persuade the legislature, adding that you can put forth a good faith effort to the legislature without waiting 22 months to plan it all out.

Discussion followed regarding the dollar amount to be requested this year and next; the amount of time to prepare a plan; and preparing a good, concrete plan with long term data.

*Motion was made by Rita Venner to approve the FY2000/FY2001 Budget Request as presented for FY2000, but include in the FY2001 budget request two million dollars for Decision Package Priority Item #24 (water quality monitoring strategy). Seconded by Gary Priebe. Chairman Ehm requested a roll call vote. "Aye" vote was cast by Commissioners Venner, King, McWilliams, Mohr, and Priebe. "Nay" vote was cast by Commissioners Townsend and Ehm. Motion carried on a vote of 5-Aye to 2-Nay.*

**APPROVED WITH INCLUSION OF \$2,000,000 IN FY2001 FOR  
WATER QUALITY MONITORING STRATEGY**

## **LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM CONTRACTS**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department received twenty-five (25) applications, requesting \$2,397,508 million in financial assistance, for consideration during the June 1998 round of funding. Twelve (12) applicant projects were selected to receive \$718,160 in grant, zero interest loan or a combination of grant and loan assistance. A description of each selected project, the project type, the amount and type of funding assistance is attached.

The Department is requesting approval to enter into contracts with selected applicants subject to satisfactory negotiation of budget, match and deliverables.

<b>Applications Recommended By Applicant</b>	<b>Type</b>	<b># Received</b>	<b>Award Amount</b>
Local Government		7	\$442,948
Private For Profit		2	\$100,150
Private Not For Profit		3	\$175,062
<b>Applications Recommended By Project Type</b>		<b># Received</b>	<b>Award Amount</b>

Research and Development	3	\$276,756
Demonstration	3	\$135,277
Recycling	6	\$306,127
<b>Awards – Grant / Zero Interest Loan</b>	<b>Percent</b>	<b>Award Amount</b>
Grant	54.7%	\$392,533
Loan	45.3%	\$325,627

Projects eligible to receive grant assistance include: 1) projects that have public education as the primary focus on such topics as waste reduction and recycling; 2) projects that reduce, avoid or eliminate the generation of solid waste at the source; 3) projects that develop new technologies in managing solid waste; and 4) projects that implement an existing solid waste management technology for the first time in Iowa.

Projects eligible to receive zero interest loan assistance include: 1) projects that do not fit any of the above project categories; 2) combustion with energy recovery projects; 3) combustion for volume reduction projects; 4) projects that involve expansions or improvements to an existing facility or operation using existing technologies; and 5) projects that replicate similar projects in Iowa.

At this time, the Commission is requested to approve the Department to enter into contracts with selected applicants subject to satisfactory negotiation of budget, match and deliverables.

#### LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM APPLICATION SELECTIONS -- JUNE 1998

Twelve (12) projects from the 25 applications submitted for consideration were selected to receive \$718,160 in grants, zero interest loans or a combination of grants and loans. The following provides a description of each selected project, the project type, and the amount and type of funding assistance.

#### RESEARCH AND DEVELOPMENT PROJECTS

<b>Industrial Laminates/Norplex Inc.</b>		<b>Award:</b> \$56,500	Grant
<b>665 Lybrand</b>		<b>Local Match:</b> \$91,000	
<b>Postville, Iowa 52162</b>			
<b>Request:</b>	\$78,800	<b>Project Title:</b>	Laminate Scrap Recycling
<b>Project Type:</b>	Research and Development	<b>Contact:</b>	Scott Loven (319) 864-4227
<b>Applicant:</b>	Private For Profit		
<b>Description:</b>	The applicant is proposing to develop, produce and market, primarily to the agricultural sector, an industrial laminate panel made from scrap material being generated at the plant. This new value-added product will, using preliminary estimates, reduce 800 to 1,500 tons of waste being landfilled each year by the applicant. The applicant has identified and contacted other industrial waste		

streams and generators in the area to incorporate these materials into construction panel manufacturing thereby further increasing landfill diversion. The value-added panel also has marketing potential for construction activities in areas of high moisture. Grant assistance is recommended for purchase of equipment and research.

Primary deliverables

- Detailed description of research findings for suitable material feedstock;
- Detailed description of manufacturing process;
- Landfill diversion for all solid waste generators supplying recyclable feedstock; and
- Evaluation of targeted end product markets.

**A.D.L.M. Counties Environmental Health**  
**501 N. 12th St.**  
**Centerville, Iowa 52544**

**Award: \$97,781      Grant**  
**Local Match: \$34,223**

**Request:** \$97,781

**Project Title:** On-Site Waste-Water Treatment System

**Project Type:** Research and Development

**Contact:** Donnie Herteen (515) 437-1909

**Applicant:** Local Government

**Description:** The applicant is proposing to research, develop and demonstrate the use of tire chips as an alternative aggregate for on-site wastewater treatment systems. Soils in Appanoose, Davis, Lucas and Monroe Counties are such that septic fields are not possible. Consequently, 95% of wastewater treatment systems are discharge type systems that require large amounts of aggregate (sand and rock) which is not readily available in this part of Iowa. It is anticipated a total of 303.2 tons of tire chips will be utilized in this market development demonstration project. Grant assistance is recommended for equipment and research.

Primary Deliverables

- Description of construction methods in detail;
- Comparison of construction costs to traditional waste water discharge system development;
- Specific cost comparison of the use of tire shreds and traditional aggregate and sand.
- Monitoring maintenance costs and compare to traditional maintenance practices;
- Monitoring water quality results and compare to traditional discharge waste water treatments systems; and
- Presentations to annual conferences as appropriate.

**Golden Hills RC&D, Inc.**  
**406 South Highway 6**  
**Oakland, Iowa 51560**

**Award: \$122,475      Grant**  
**Local Match: \$56,946**

**Project Title:** Use of Scrap Tires in Stream Grade Erosion Control Structures

**Request:** \$123,475    **Contact:** Shirley Frederiksen (712) 482-3029  
**Project Type:** Research and Development  
**Applicant:** Private Not For Profit  
**Description:** In Phase I of the project, the applicant will research the use of scrap tires for stabilizing degrading stream beds that have caused over \$1.1 billion in lost infrastructure and farmland in western Iowa. Phase I will research soil and water forces acting on the control structure, develop structure design and anchoring methods and determine cost estimates for constructing this type of streambed stabilization structure. The applicant estimates that the number of tires used per stabilization structure is 3,900 passenger tires. Grant assistance is recommended for research, travel, and supplies.

**Primary Deliverables**

- Detailed description of research findings regarding soil and water forces acting on grade stabilization structures;
- Detailed description of alternative construction methods, patterns, structure anchoring, and estimated costs, including the recommended alternative;
- Recommendation for Phase II construction; and
- Presentations to appropriate annual conferences or publications.

## DEMONSTRATION PROJECTS

**Cities of Urbandale & West Des Moines**  
**520 South 16th Street**  
**West Des Moines, Iowa 50265**

**Award:** \$53,850    **Grant:** \$32,100    **Loan:** 21,750  
**Local Match:** \$34,055

**Project Title:** Community best Practices -Unit Based Pricing Initiative

**Request:** \$53,850  
**Project Type:** Demonstration  
**Applicant:** Local Government  
**Description:**

**Contact:** Bret Hodne (515) 222-3536

The community best practices project is recommended for a combination of grant and zero interest loan assistance to reduce residential landfill tonnage through implementing a six-month unit based pricing pilot project. The project is anticipated to reduce the amount of solid waste landfilled by approximately 1,500 tons over the six-month Phase I. With successful completion of Phase I, a unit based fee structure with automated or semi-automated collection will be implemented throughout the two communities. It is anticipated other communities with public solid waste collection will implement a similar unit-based pricing system throughout the Metro Waste Authority service area. Grant assistance is recommended for program education materials. Zero interest loan assistance is recommended for retrofitting semi-automated or automated collection equipment to existing collection vehicles.

**Primary Deliverables**

- Monitor and data comparison of such collection factors as: stops per hour, labor requirements, workman's compensation incidents, mechanical downtime, container performance, and volumes exceeding container capacity.

- Monitor and data comparison of such waste generation factors as: garbage tonnage, recyclables tonnage, recycling program participation, bulky item tonnage, yard waste tonnage, and litter levels.
- Pre and post project survey results and conclusions;
- Recommendations of future solid waste programs; and
- Presentation to conferences including Iowa Society of Solid Waste Operations, League of Cities, and Iowa Public Utility Officials.

<b>Cedar Rapids Community School District</b>		<b>Award: \$51,427 Grant</b>	
<b>346 Second Avenue SW</b>		<b>Local Match: \$239,442</b>	
<b>Cedar Rapids, Iowa 52404</b>		<b>Project Title: Environmentally Sustainable Residential Construction</b>	
<b>Request:</b>	\$51,427	<b>Contact:</b>	David Smith (319) 398-2600
<b>Project Type:</b>	Demonstration		
<b>Applicant:</b>	Local Government		
<b>Description:</b>	<p>The applicant will construct a single-family home that will incorporate a variety of sustainable building practices (i.e. recycled content materials, low toxicity adhesives, waste minimization construction practices, etc.) through the district's Building and Vocational Training Program. The applicant will develop and distribute curriculum on environmentally sustainable construction practices for distribution to schools across Iowa and reference materials for use by students, faculty and area builders and contractors will also be made available. The contractor shall present findings of the project at conferences targeting builders and teachers. The project supports Department goals of waste minimization construction practices, reduced household hazardous material usage in building construction, and market development for recycled content materials. Grant assistance is recommended for consulting services, construction materials, construction site recycling program, curriculum development, and resource and interpretive materials.</p> <p>Primary Deliverables</p> <ul style="list-style-type: none"> <li>• Assessment of building practices, technologies, and materials (both recycled content materials and less toxic building materials);</li> <li>• Landfill diversion tonnage;</li> <li>• Presentations and training to state Building and Vocational Training Program educators; and</li> <li>• Presentations to building contractor conferences as appropriate; and</li> <li>• School curriculum and other project interpretative materials.</li> </ul>		

<b>Metro Waste Authority</b>		<b>Award: \$30,000 Grant</b>	
<b>521 E. Locust</b>		<b>Local Match: \$17,017</b>	
<b>Des Moines, Iowa 50309</b>		<b>Project Title: Shredded Tire Road Sub-Base</b>	
<b>Request:</b>	\$30,000	<b>Contact:</b>	Jeff Dworek (515) 967-2076

**Project Type:** Demonstration  
**Applicant:** Local Government  
**Description:** The applicant is proposing to demonstrate the use of shredded tires as a sub-base in the construction of a landfill road and two wet weather pads at the Metro Park East Landfill to improve vehicle operation at the landfill particularly during times of wet weather. Engineering and construction techniques will be made available to other landfills throughout Iowa. Total number of tires needed for this demonstration project is estimated to be 80,100 tires. Grant assistance is recommended for construction materials.

Primary Deliverables

- Detailed description of construction methods;
- Compare construction cost to traditional landfill road and wet weather pad development;
- Monitor maintenance costs and compare to traditional maintenance practices;
- Presentation for Iowa Society of Solid Waste Operations conference

### RECYCLING PROJECTS

#### **Luther College**

**Award:** \$8,730

**Grant:** \$2,250

**Loan:**  
\$6,480

**700 College Drive**  
**Decorah, Iowa 52101**

**Local Match:** \$4,770

**Project Title:** Campus-Wide Recycling Program  
**Contact:** Gary Brickman (319) 387-1668

**Request:** \$8,730

**Project Type:** Recycling

**Applicant:** Private Not For Profit

**Description:** The applicant will expand campus-wide waste reduction and recycling efforts by placing recycling bins in individual offices, classrooms and dormitories and implementing a campus-wide waste reduction and recycling education campaign to increase and sustain program participation. Zero interest loan assistance is recommended for the purchase of a roll-off container and recycling bins for recyclables. Grant assistance is recommended for program education materials.

Primary Deliverables

- Pre and post project survey results and conclusions;
- Monitor and document participation levels including amount of recyclables recovered;
- Monitor and compare solid waste landfill tonnage records to pre-project records;
- Evaluate education material impact; and
- Presentation of project findings to other Iowa colleges and universities.

#### **Landfill of North Iowa** **15942 Killdeer Ave**

**Award:** \$70,210

**Zero Interest Loan**

**Local Match:** \$65,240

**Clear Lake, Iowa 50428**

**Heartland Asphalt, Inc.**  
**2601 South Federal Ave.**  
**Mason City, Iowa 50401**

**Request:** \$70,210

**Project Type:** Recycling

**Applicant:** Local Government (Landfill of North Iowa);  
Private For Profit (Heartland Asphalt, Inc.)

**Description:** The applicants will implement the beneficial re-use of ground asphalt shingles in hot-mix asphalt paving projects. The project will initially impact Cerro Gordo and Franklin County along with portions of three adjacent counties. Results of the project will be presented and materials distributed throughout Iowa. Loan assistance is recommended for wages, supplies, and testing to DOT specifications.

**Project Title:** Asphalt Shingle Recycling

**Contact:** Patti Tornquist (515) 422-4352

**Primary Deliverables**

- Detailed description of feedstock separation, processing and road application;
- Detailed cost analysis in using asphalt shingles;
- Landfill diversion related to asphalt shingles recycled; and
- Evaluation of finished product performance.
- Presentation at Iowa Society of Solid Waste Operations conference and at asphalt road contractor meetings.

**MIW, Inc.**  
**909 S. 14th Ave.**  
**Marshalltown, IA 50158**

**Award:** \$43,857      Zero Interest Loan

**Local Match:** \$29,238

**Request:** \$43,857

**Project Type:** Recycling

**Applicant:** Private Not For Profit

**Description:** The applicant will improve recyclable materials processing and worker safety by shifting from a single vertical baler to a horizontal baler and in-floor conveying system. The applicant processes recyclable materials generated in Marshall County. Approximately 3,700 tons were processed in 1997, an increase of 11% from 1996. It is anticipated that the amount of materials processed will continue to increase making processing improvements necessary. Loan assistance is requested for equipment.

**Project Title:** Recycling Facility Upgrade

**Contact:** Bob Wolgamott (515) 752-3697

**Primary Deliverables**

- Project impact on recyclable material processing efficiencies;
- Project impact on worker safety; and
- Monitoring of the type and amount of recyclable materials processed as part of the project.



<b>Harrison Commission</b>	<b>County</b>	<b>Landfill</b>	<b>Award: \$28,156</b>	<b>Zero Interest Loan</b>
2812 Hwy. 30			<b>Local Match: \$29,238</b>	
Logan, Iowa 51546				
<b>Request:</b>	\$28,156		<b>Project Title:</b>	Drop-Box Recycling Expansion
<b>Project Type:</b>	Recycling		<b>Contact:</b>	Betty Thoms (712) 644-3093
<b>Applicant:</b>	Local Government			
<b>Description:</b>	<p>The applicant will expand the existing recyclable materials drop-off program by adding six additional drop-boxes in communities of rural Harrison county and expand the recycling education program through advertising, presentations, and brochures. The program's main goal is to increase waste stream diversion of recyclables by an estimated 250 tons and increase the Harrison County Landfill recycling rate 7% for an overall recycling percentage of approximately 40%. Loan assistance is recommended for the purchase of equipment and program education.</p> <p>Primary Deliverables</p> <ul style="list-style-type: none"> <li>• Monitor type and amount of recyclable materials collected with the project implemented;</li> <li>• Comparison to the amount of recyclables collected prior to project implementation;</li> <li>• Project costs and revenues with comparison to pre-project costs and revenues; and</li> <li>• Project education activities including written materials and presentations.</li> </ul>			

<b>Complete Recovery</b>	<b>Award: \$43,650</b>	<b>Zero Interest Loan</b>
712 E Milwaukee Street	<b>Local Match: \$40,250</b>	
Spencer, Iowa 51301		
<b>Request:</b>	\$74,750	<b>Project Title:</b>
<b>Project Type:</b>	Recycling	<b>Contact:</b>
<b>Applicant:</b>	Private For Profit	Randy Plagman (712) 262-4877
<b>Description:</b>	<p>The applicant will purchase a horizontal baler to improve operating efficiencies and expand the types of recyclable materials the Company can recycle. Complete Recovery recycled 630 tons in 1997 and anticipates increasing this to 1,500 tons through this project. The area to be effected will primarily be the City of Spencer in Clay County but also includes portions of three other counties. Loan assistance is recommended for the purchase of equipment.</p> <p>Primary Deliverables</p> <ul style="list-style-type: none"> <li>• Monitor type and amount of recyclable materials collected with the project implemented;</li> <li>• Comparison to the amount of recyclables collected prior to project implementation;</li> <li>• Project costs and revenues with comparison to pre-project costs and</li> </ul>	

- revenues; and
- Project education activities including written materials and presentations.

**Adair County Sanitary Landfill Commission**  
**1645 State Highway 25**  
**Menlo, Iowa 50164-8023**

**Award:** \$111,524      Zero Interest Loan  
**Local Match:** \$121,212

**Request:** \$111,524

**Project Title:** Recycling Center Expansion

**Project Type:** Recycling

**Contact:** Dennis Reha (515) 743-8343

**Applicant:** Local Government

**Description:** The applicant will expand their existing recycling program by purchasing additional drop-off recycling containers to be located in communities within their solid waste planning area (Adair County and parts of Guthrie County). During FY 1997, approximately 900 tons were collected from the project service area and marketed by the Recycling Center. The project's goal is a total of 1,293 tons annually collected and marketed. Loan assistance is recommended for the purchase of collection containers and a vehicle to transport containers to the processing center.

**Project Deliverables**

- Monitor type and amount of recyclable materials collected with the project implemented;
- Comparison to the amount of recyclables collected prior to project implementation;
- Project costs and revenues with comparison to pre-project costs and revenues; and
- Project education activities including written materials and presentations.

Ms. Stanley reviewed details of the contracts.

*Motion was made by Charlotte Mohr to approve the Landfill Alternatives Financial Assistance Award contracts. Seconded by Dean McWilliams. Following a brief discussion the vote on the motion carried unanimously.*

**APPROVED AS PRESENTED**

## MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report

3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

### RULEMAKING STATUS REPORT September 1, 1998

PROPOSAL	NOTICE TO COMM	NOTICE PUBLISH	RULES REVIEW COMM	HEARING	FINAL SUMMARY TO COMM	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMM	RULE EFFECTIVE
1. Ch. 12 – Environmental Audits	9/21/98	* 10/02/98	* 11/03/98	* 11/10/98	* 12/21/98	* 12/21/98	* 1/13/99	* 2/08/99	* 2/17/99
2. Ch. 20, 22 and 23 - AQ Case-by-Case MACT	5/18/98	6/17/98	7/6/98	7/17/98	8/17/98	8/17/98	9/09/98	* 10/05/98	* 10/14/98
3. Ch. 22 and 23 - NESHAPS Acid Rain Exemptions and Primary Aluminum Reduction Plants	5/18/98	6/17/98	7/6/98	7/17/98	8/17/98	8/17/98	9/09/98	* 10/05/98	* 10/14/98
4. Ch. 22, 23, and 25, Hospital, Medical and Infectious Waste Incinerators, and Municipal Waste Combustors	3/16/98	AMENDED 8/26/98 4/08/98	9/07/98 5/04/98	9/02/98 5/25/98	* 10/19/98	* 10/19/98	* 11/18/98	* 12/07/98	* 12/23/98
5. Ch. 28 - Revised NAAQS	5/18/98	6/17/98	7/6/98	7/17/98	8/17/98	8/17/98	9/09/98	* 10/05/98	* 10/14/98
6. Ch. 137 – Brownfield Program	7/20/98	8/12/98	9/07/98	9/1,2,3/98	* 10/19/98	* 10/19/98	* 11/18/98	* 12/07/98	* 12/23/98
7. Ch. 219 – Waste Tire Beneficial End Users	7/20/98	7/20/98	9/07/98	9/02/98	* 10/19/98	* 10/19/98	* 11/18/98	* 12/07/98	* 12/23/98

### MONTHLY VARIANCE REPORT - AUGUST 1998

No.	Facility	Program	Subject	Decision	Date
1	Crane Valves-Washington	Air Quality	Permit Requirements	Approved	08/28/98
2	Leiner Davis Gelatine Corporation-Davenport	Air Quality	Permit Requirements	Approved	08/28/98
3	Martin Marietta Aggregates-Webster County	Flood Plain	Minimum Offset	Approved	08/14/98
4	Union Pacific Railroad Bridge over Willow Creek-Plymouth County	Flood Plain	Freeboard	Approved	08/10/98
5	Union Pacific Railroad Bridge over Hardin Creek-Greene County	Flood Plain	Backwater	Approved	08/10/98
6	Union Pacific Railroad Bridge over Willow Creek-Plymouth County	Flood Plain	Backwater	Approved	08/10/98
7	Waubonsie Creek Watershed Site M-3-Mills County	Flood Plain	Storm/Storage Capacity	Approved	08/04/98
8	Bluestem Site #2 Sanitary Landfill-Cedar Rapids	Solid Waste	Groundwater Monitoring	Approved	08/24/98
9	Delaware County Sanitary Landfill	Solid Waste	Groundwater Monitoring	Approved	08/24/98
10	Grundy County Sanitary Landfill	Solid Waste	Groundwater Monitoring	Approved	08/21/98

11	Jones County Sanitary Landfill	Solid Waste	Groundwater Monitoring	Approved	08/24/98
12	Tama County Sanitary Landfill	Solid Waste	Groundwater Monitoring	Approved	08/24/98
13	Des Moines Water Works	Watersupply Construction	Installation Procedures	Approved	08/28/98
14	Melvin Hulshof Residence-Private Well-Sioux County	Watersupply Construction	Siting Criteria	Approved	08/14/98

**SPILL REPORT**

From August 1, 1998, through August 31, 1998, 45 reports of hazardous conditions were received

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	70(52)	37(28)	17(10)	16(14)	28(31)	6(0)	28(13)	5(4)	0(0)	3(4)
Nov.	44(33)	25(18)	9(9)	10(6)	15(16)	3(0)	23(12)	2(2)	0(0)	1(3)
Dec.	52(33)	27(20)	19(3)	6(10)	21(16)	4(1)	22(12)	4(0)	0(1)	1(3)
Jan.	42(39)	32(28)	3(4)	7(7)	19(20)	2(1)	16(15)	1(2)	1(0)	3(1)
Feb.	48(54)	28(29)	5(7)	15(18)	24(29)	3(2)	13(20)	2(1)	1(2)	5(0)
Mar.	48(53)	27(37)	11(9)	10(7)	26(29)	0(0)	17(16)	2(4)	0(0)	3(4)
Apr.	60(64)	23(33)	23(25)	14(6)	25(28)	3(0)	25(30)	5(2)	0(0)	2(4)
May	135(103)	58(35)	64(53)	13(15)	58(33)	3(2)	69(61)	2(4)	1(1)	2(2)
Jun.	118(81)	76(42)	24(20)	18(19)	70(49)	3(3)	38(23)	1(6)	0(0)	6(0)
Jul.	75(81)	48(42)	5(18)	22(21)	57(38)	0(5)	15(32)	0(2)	0(0)	3(4)
Aug.	45(34)	20(20)	2(6)	23(8)	29(18)	0(2)	10(11)	0(1)	0(1)	6(1)
Sept.										

(numbers in parentheses for the same period in fiscal year '97)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
4	9	4	1	12	15

**ENFORCEMENT REPORT UPDATE**

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Dyersville Golf & Country Club, Dyersville (1)	Drinking Water	MCL - Nitrate	Emergency Order	8/7/98

Edward Bodensteiner, Des Moines (5)	Underground Tank	Site Assessment	Referred to AG	8/17/98
Lehigh Portland Cement Co., Mason City (2)	Air Quality	Construction Permit	Without	Referred to AG 8/17/98
Kalona Golf Club, Washington Co. (6)	Drinking Water	Permit Renewal Fee	Order/Penalty \$250	8/26/98
Robert Black d/b/a Blackie's Auto Repair, Worth Co. (2)	Air Quality	Open Burning	Order/Penalty \$1,000	8/26/98
Randy Foth d/b/a Foth Lumber Co., Humboldt Co. (2)	Air Quality	Open Burning	Order/Penalty \$10,000	8/26/98
Dwight Johnston, Knoxville (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$10,000	8/26/98
Gary Lund Construction, Eagle Grove (2)	Solid Waste	Illegal Disposal	Order/Penalty \$5,000	8/26/98
Tom L. Arne, II; Christensen Motor Co., Wright Co. (2)	Solid Waste	Illegal Disposal	Order	8/26/98
Jeff Bendickson; Karen Bohl, Manly (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$500	8/26/98
Rosebar Tire Shredding Center, Inc.; Dan L. Schwitters, Vinton (1)	Solid Waste	Illegal Disposal	Order/Penalty \$10,000	8/28/98
Dennis McHugh, Clay Co. (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$3,000	8/31/98

## SUMMARY OF ADMINISTRATIVE PENALTIES

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	12-06-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Norman Klynsma d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Searsboro, City of	WW	2,500	11-08-95

Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
David Kramer (Camanche)	UT	600	5-03-96
Latimer, City of	WS	150	5-03-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
*Orrie's Supper Club, Inc. (Hudson)	WS	650	7-15-96
Plantation Village Mobile Home Park (Burlington)	WW	1,000	8-01-96
Dennis L. Mattison (Winnebago Co.)	AQ/SW	600	9-03-96
Riverside Lutheran Bible Camp (Story City)	WS	500	10-28-96
Gassman's MHP & Spruce Harbor Inn (Dubuque)	WS	4,500	12-26-96
Mark Anderson d/b/a Westside Park for Mobile Homes; M A, Inc. (Burlington)	AQ/SW	1,000	1-03-97
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
J.F.V. Corporation; Frank Hawk; Sharon Hawk (Prole)	UT	600	2-19-97
Hofer's Danceland Ballroom (Walford)	WS	3,188	4-19-97
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,530	6-05-97
Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000	7-29-97
Roy E. Hawkins (Newton)	SW	1,000	10-22-97
South Park Mobile Home Park (Iowa Falls)	WW	1,000	1-04-98
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
# Harold Unternahrer (Washington Co.)	AFO	3,000	4-06-98
*#John Adam (Keokuk Co.)	WW	2,500	4-15-98
Webb, City of	WS	2,000	4-27-98
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	5-01-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	2,000	7-01-98
# Troy Hanson (Wright Co.)	AFO	1,500	8-14-98
*R.V. Hopkins, Inc. (Davenport)	AQ	15,700	8-15-98
Big Ten Mart/Truck Stop (Lowden)	WS	5,000	8-17-98
# Rodney Mullins (Humboldt Co.)	AFO	500	8-22-98
Albert Fleming (Clayton Co.)	FP	2,000	9-06-98
Oakland Mills Store (Mt. Pleasant)	WS	200	9-07-98
# Irvin Leichty (Henry Co.)	WW	1,500	9-09-98
Eagle Lane Corp. (Blue Grass)	WS	4,000	9-14-98
# Vande Haar Dairy Farm (Marion Co.)	AFO	3,000	9-15-98
Pewe Mercantile, Inc.; Dion Pewe (Grand Mound)	UT	10,000	9-20-98
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,500	1-15-99
Deer Ridge Estates (Ottumwa)	WS	100	-----
Mike's Fisherman's Wharf (Dubuque)	WS	2,500	11-01-98
Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	500	-----
Gary Lund Construction (Eagle Grove)	SW	5,000	10-30-98
Dwight Johnston (Knoxville)	AQ/SW	10,000	10-28-98
Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	10,000	11-01-98
Kalona Golf Club (Washington Co.)	WS	250	10-31-98
Robert Black d/b/a Blackie's Auto Repair (Worth Co.)	AQ	1,000	10-30-98
Rosebar Tire Shredding Center; Dan Schwitters (Vinton)	SW	10,000	-----
Dennis McHugh (Clay Co.)	AQ/SW	3,000	11-01-98
West Liberty, City of	WW	5,000	11-07-98

# Interstate Pork, Inc. (Cedar Co.)	AFO	3,000	11-07-98
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	-----
Akron, City of	WW	3,000	-----
Tyler Excavating; Fred Knosby (Warren Co.)	SW	1,000	11-08-98
# Verton S. Miller (Johnson Co.)	AFO	2,000	-----
	<b>TOTAL</b>	<b>190,213</b>	

**ATTORNEY GENERAL REFERRALS**

September 1, 1998

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Advanced Technologies Corp. Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	6/20/97 6/05/98
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order Penalty	Referred Petition Filed	5/29/96 6/05/98
Bodensteiner, Edward Des Moines (5) NEW	Under ground Tank	Site Assessment	Order Penalty	Referred	8/17/98
Buringrud, Mark d/b/a Carpenter Bar and Grill Carpenter (2)	Drinking Water	Monitoring Reporting- Bacteria, Nitrate	Order Penalty	Referred Petition Filed	11/17/97 6/04/98
Clark, Doug d/b/a Charlie's Supper Club Livermore (2)	Drinking Water	Failure to Renew Permit; Monitoring Reporting	Order Penalty	Referred	7/20/98
DeCoster, A.J. Wright Co. (2)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Hearing on Pre-Trial Motion Order Denying Defendant's Motion Order Granting State's Motion State's Motion to Compel Hearing Order Granting State's Motion Trial Closing Arguments Ruling (\$59,000/Civil) Defendant's Notice of Appeal Defendant's Brief Filed Defendant's Amended Brief Filed State's Brief Filed State's Amended Brief Filed Defendant's Reply Brief Filed	7/17/95 1/23/96 10/28/96 11/06/96 11/21/96 1/28/97- 2/06/97 2/11/97 2/21/97 3/05/97 3/28/97 9/05/97 4/04/97 9/05/97 9/24/97 1/12/98 1/22/98 2/19/98

DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
DeCoster, Austin J. Sow Unit #1 (2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed State's Motion to Change Venue State's Motion to Consolidate Order Granting Motions Amended & Substituted Petition Filed Defendant's Motion for Partial Summary Judgment State's Motion for Partial Summary Judgment Hearing on Defendant's Motion for Partial Summary Judgment Hearing on State's Motion for Partial Summary Judgment Ruling Denying Defendant's Motion for Partial Summary Judgment Ruling Granting State's Motion for Partial Summary Judgment Trial Ruling for State Defendant's Notice of Appeal Defendant's Proof Brief Filed	1/22/97 4/24/97 4/28/97 4/28/97 4/28/97 5/19/97 7/14/97 8/04/97 8/11/97 8/25/97 9/02/97 9/04/97 9/16- 18/97 1/15/98 2/13/98 7/08/98
DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)	6/20/97 3/20/98
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	8/18/97 3/20/98
DeCoster, Austin J. Sow Unit #3 Hamilton Co. (2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	12/15/97
Dunkel, Paul L. Delaware Co. (1)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Default Judgment (\$10,000/Civil; \$1,500/Admin. & Injunction) Contempt Judgment	6/19/95 2/16/96 6/17/96 7/21/98
Economy Corp./Central School DeWitt (6)	Solar Community Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Consent Decree (\$10,000/Civil)	7/17/95 1/03/97 3/23/98 5/22/98
Farmers Hybrid Companies, Inc. Poweshiek Co. (1)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	3/16/98



Gassman, Charles and Ruth d/b/a Gassman's MHP Dubuque (1)	Drinking Water	Monitoring Reporting- Nitrate	Referred to Attorney General	Referred	6/15/98
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2) <b>UPDATED</b>	Air Quality	Open Burning	Order Penalty	Referred Petition Filed	1/20/98 8/25/98
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order Penalty	Referred Petition Filed Entry of Default	12/18/95 4/18/96 11/01/96
Hidden Valley Mobile Home Court Washington Co. (6)	Drinking Water	Monitoring Reporting - Lead and Copper	Order Penalty	Referred	1/20/98
Huyser, James; Trust Trucking Lovilia (5)	Under- ground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Larson, Daryl Clinton Co. (6)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	10/20/97 6/26/98
Lehigh Portland Cement Co. Mason City (2) <b>NEW</b>	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	8/17/98
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order Penalty	Referred Petition Filed Partial Default (Injunction)	2/17/92 12/21/92 10/11/94
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred	12/15/97
Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring Reporting; Lead & Copper	Order Penalty	Referred	10/16/95
Owens & Owens Realty, Inc. Wilton (6)	Under- ground Tank	DNR Defendant	Defense	Petition Filed Answer Filed	3/29/96 4/19/96

Papetti's of Iowa Food Products, Inc. Taylor Co. (4)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	1/22/97
Postville Pork Postville (1)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date	5/20/96 7/09/97 11/4/98
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
R.V. Hopkins Davenport(6) <b>UPDATED</b>	Air Quality	Emission Violations	Order/Penalty	Referred Petition Filed Consent Decree (\$10,000/Admin. plus \$5,700 interest and \$10,000/Civil)	5/21/97 6/09/98 8/10/98
Schoenberr, R.B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders Penalties	Referred Petition Filed	6/20/97 6/04/98
Stickle Farms, Inc. Linn Co. (1)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred	4/21/97
Tire Tech Environmental Systems, Inc. Muscatine (6) <b>UPDATED</b>	Solid Waste	Tire Processing Permit Violations	Referred to Attorney General	Referred Petition Filed Hearing on Temporary Injunction	4/20/98 6/23/98 8/25/98
Tracy, Ronald d/b/a TRACE, Inc. Howard Co. (1)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred Criminal Complaint Filed	11/17/97 11/26/97
Underwood, Paul d/b/a Underwood Excavating & Demolition Cedar Rapids (1)	Air Quality	Asbestos	Order Penalty	Referred Motion for Judgment	5/15/95 8/15/96
White, Robert Jeff Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order Penalty	Referred	4/20/98
Williams, Dean d/b/a Williams Oil Co.	Underground	Site	Order	Referred	10/20/97

Stuart (4)

Tank

Assessment

Penalty

Wunschel Oil Co., Vernus				Referred	1/17/95
Wunschel and Jaquelyn	Under-	Site	Referred to	Motion for Judgment	8/28/96
Wunschel	ground	Assessment	Attorney	Consent Decree (\$6,400/Admin.)	12/13/96
Battle Creek (3)	Tank		General	Referred	3/30/98

## CONTESTED CASES

September 1, 1998

Date Received	Name of Case	Action Appealed	Program	Assigned To	Status
6-08-89	Shaver Road Investments	Site Registry	HW	Tack	New draft consent order issued to company for approval.
6-08-89	Hawkeye Rubber Mfg Co.	Site Registry	HW	Tack	New draft consent order issued to company for approval.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed 8/96.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed
5-14-90	Alter Trading Corp (Council Bluffs)	Admin. Order	SW	Tack	Permit issued. District court suit dismissed. Field Office overseeing compliance. Progress reports
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97.
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued
7-30-90	Key City Coal Gas Site; and Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler)
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Admin. Order/Penalty	SW	Tack	Hearing continued. Clean-up continuing slowly due to illness.
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement close, 7/1/98
9-25-91	Archer Daniels Midland	Admin. Order	SW	Tack	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept response on 8/3/93. Facility response 8/11/93. 12/93
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Admin. Order/Penalty	HC	Wornson	Compliance achieved. Closed.
5-05-92	Plymouth Cooperative Oil Co	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw County Sanitary Landfill	Admin. Order/Penalty	SW	Tack	County to include closing in FY 1997 budget. Meeting held 8/7/97. Scheduling closure work.
9-21-92	ITWC	Admin. Order/Penalty	AQ	Preziosi	Settlement close. Negotiating penalty.
9-22-92	King's Terrace MHP	Admin. Order/Penalty	WW	Hansen	8/94-Letter to facility regarding resolution of appeal. Follow-up letter 3/96.
11-16-92	Frank Hulshizer	Admin. Order/Penalty	SW	Tack	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept settlement offer made. 5/03/93 response from company. Company collecting data. Company
4-05-93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff.
4-12-93	LeMars, City of	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for remaining construction found unacceptable.
4-21-93	Donald Udeil	Admin. Order/Penalty	SW	Tack	Clean-up completed. Penalty settlement due.
6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing continued. Meeting held. Settlement close. Waiting on results from AG opinion.
7-06-93 7-28-93	Dennis E. Good Berniece K. Nease	Admin. Order	UT	Wornson	Tier 1 complete. Tier 2 initiated by new owner. Dismiss appealing parties. Closed.
7-09-93	Oakwood Park Water, Inc.	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94. Letter to attorney regarding Tier 2 initiated.
7-20-93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford	Admin. Order	UT	Wornson	
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	8/12/97 - Appeal being reviewed in context of Title V application.
12-23-93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Admin. Order/Penalty	AQ	Preziosi	Negotiating penalty. Settlement close.
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2-28-94	Coastal Mart - Davenport	Admin. Order/Penalty	UT	Wornson	Penalty settlement letter sent.

3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested by 4/30/96. 5/96 - Follow-up letter sent.
5-10-94	Dennis Malone; Joanne Malone	Admin. Order/Penalty	UT	Wornson	Untimely appeal. Compliance 3/97. Negotiating penalty. Settlement letter sent 8/17/98. Response
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	Admin. Order/Penalty	UT	Wornson	Tanks closed. Property sold. Buyer not Fund eligible and bankrupt. Schedule for hearing.
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to appeal - 4/96.
7-12-94	Tom Wiseman	Admin. Order/Penalty	UT	Wornson	Appeal untimely. Follow-up letter sent. Fund eligible. Tier I initiated - overdue.
8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service	Admin. Order/Penalty	UT	Wornson	Inability to pay. Failed to return required documentation. Letter sent 2/27/97.
8-29-94	B and B Tire and Oil	Admin. Order/Penalty	UT	Wornson	SCR accepted. Letter sent offering penalty negotiations 8/26/96. Free product report received.
9-01-94	Elmer R. Faust d/b/a Faust Garage & Grocery	Admin. Order/Penalty	UT	Wornson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc	Admin. Order/Penalty	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp., Site 5 (Bussey)	Admin. Order/Penalty	SW/AQ	Tack	Bankruptcy filed. Phone conversation regarding closure 8/21/97. Working on consent order. Parties
9-15-94	Bankston	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated. Respond to City regarding settlement.
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida	Admin. Order/Penalty	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST
9-26-94	James D. Foust	Admin. Order/Penalty	SW	Tack	Hearing continued by ALJ because of bankruptcy.
10-07-94	Titan Wheel International	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW. Permits. Letter to facility regarding report.
10-19-94	Ronald Sizemore; Mark Murphy	Admin. Order/Penalty	UT	Wornson	Inability to pay documented. County took tax deed. Tanks removed. Tier 2 initiated. Closed.
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin. Order/Penalty	UT	Wornson	Inability to pay - requested documentation - no response. State lead - tanks removed.
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95 - Settlement offer made. FO rejected offer. Phone conversation regarding counter offer.
1-11-95	Henry and Randy Krohn d/b/a Krohn Construction	Admin. Order/Penalty	AQ/SW	Tack	Inability to pay. Forms sent. No response. Follow-up - 3/96. 1/97 - County took tax deed. Tier 1
1-13-95	James and Roxann Neneman	Admin. Order/Penalty	UT	Wornson	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW.
1-13-95	Simonsen Industries, Inc.	Admin. Order/Penalty	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status report regarding TSS permit limit by 11/96. In bankruptcy. Consent order drafted.
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	
3-23-95	American Coals Corp.	Admin. Order	SW	Tack	
4-13-95	The Weitz Corp.; Barton Solvents, Inc.	Admin. Order	HC	Tack	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	Admin. Order/Penalty	HC/WW	Tack	Hearing continued. Clean-up continuing.
5-25-95	E I DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-25-95	Fremont County SLF	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
5-30-95	Earth Media Technologies	Admin. Order/Penalty	SW	Tack	In the process of clean-up.
5-31-95	E I DuPont DeNemours (91-A-266 thru 91-A-269)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-16-95	Pilot Oil Corporation	Admin. Order/Penalty	WW/UT	Murphy	Compliance achieved; settlement offer made 2/28/98.
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96.
6-23-95	Leonard C. Page	Admin. Order/Penalty	SW	Tack	Penalty settlement due 8/30/97.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility.
7-10-95	Donald Krieger	Admin. Order/Penalty	UT	Wornson	Tanks removed. Report due.
7-10-95	Gilbert Persinger/Smithland Store	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress.
8-01-95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Negotiating penalty.
8-18-95	Holiday Mobile Lodge, Inc.	Admin. Order/Penalty	AQ/SW	Tack	Appellant's attorney reply due 2/29/96.
8-24-95	Shell Rock Products, Inc.	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer due 8/1/96.
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96. Letter 2/19/96 granting additional time for
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E L Incorporated	Admin. Order/Penalty	SW	Tack	Appellant no longer accepting waste. Renewal permit may be requested.
10-17-95	Tri-County Bank	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor. Penalty reduced. Decision appealed to EPC.

## Environmental Protection Commission Minutes

September 1998

11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12-12-95	Vernon Kinsinger, K & K Sanitation	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with F.O. #6. Receiving penalty payments.
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-29-95	Spencer Memorial Hospital	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Womson	Compliance initiated by Atlantic Bottling. Comingled with coal tar. Joint agreement with I.E.S.
1-08-96	Westside Park for Mobile Homes	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports submitted to FO 6. Facility inspection 2/28/96 by FO 6/.
1-11-96	Climax Molybdenum Company	Admin. Order/Penalty	AQ/HC	Preziosi	Negotiating before filing.
1-12-96	Clarence, City of	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed.
1-22-96	Daryl Hollingsworth and Karen Hollingsworth d/b/a Medora Store	Admin. Order/Penalty	UT	Womson	Tanks removed. Property sold. Parties out-of-state. New owner not fund eligible/bankrupt. Schedule for
1-25-96	Hidden Valley Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's Building Supply	Admin. Order/Penalty	AQ/SW	Tack	Phone conference with attorney regarding settlement - due 8/30/97.
2-06-96	Russell Staggs	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
3-11-96	Dallas County Care Facility	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section.
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Flow information requested from City's engineer. To be set for hearing. New waste load allocation and
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscataine Community School	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received.
5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin. Order/Penalty	AQ	Preziosi	Drafting consent order.
5-14-96	Gary Lee Walker	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility.
5-29-96	Haasco, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning Variance Denial	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19 sites)	Admin. Order	WW	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-10-96	DeCoster Farms of Iowa (5 sites)	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-19-96	Appanoose Co. Sanitary Landfill	Permit Modification Denial	SW	Tack	Hearing set for 6/29/98 - settlement pending.
6-25-96	Bernie Brauns d/b/a Brauns Waste Mgmt. & Excavating	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
7/17/96	Richard L. Magdefrau	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright Co.)	Permit Denial	WW	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to EPC.
8/01/96	DeCoster Farms of Iowa (Boonsma Egg Site #1)	Admin. Order/Penalty	WW	Clark	Hearing continued - date to be set.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart	Admin. Order/Penalty	UT	Womson	Negotiating before filing.
8/19/96	Capitol Oil Co., Inc. d/b/a Dakota Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
8/23/96	Waste Management & Design (Monfort)	Admin. Order/Penalty	WW/SW	Tack	Settlement pending.
8/30/96	Howard Victor & Wanda Victor	Admin. Order/Penalty	UT	Womson	Closed facility. Hearing set for 10/8/98.
9/04/96	Ag Processing, Inc./Sheldon Facility	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32)	Admin. Order	WW	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	Permit Revocation	WW	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International	Permit Conditions	WW	Hansen	Negotiating before filing.
11/01/96	Joseph Barragy and Tom Barroy d/b/a J & M Woodshavings	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
11/05/96	Marvin Low d/b/a Low's DX	Admin. Order/Penalty	UT	Womson	Tanks removed. Closure report submitted. Settled. Awaiting penalty payment.
11/07/96	Todd L. Salow	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
11/08/96	Carroll, City of	Admin. Order/Penalty	WS	Hansen	Returned to compliance.
11/25/96	Camp Golden Valley	Admin. Order/Penalty	WW	Tack	Negotiating before filing.

12/02/96	Organic Technologies Corp.	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial
12/05/96	Organic Technologies Corp. -----91-SDP-02-94P	Admin. Order/Penalty Intended Permit	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial
1/02/97	Ruan Leasing Co., aka Ruan Transportation Management Systems	Admin. Order	AQ	Preziosi	Negotiating before filing.
1/28/97	Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt	Admin. Order/Penalty	SW/AQ	Tack	Clean-up complete. Negotiating penalty.
2/07/97	Craig Burgin	Admin. Order/Penalty	UT	Womson	Compliance complete. Negotiating penalty.
2/19/97	Cliff's Place, Inc.	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
2/21/97	Farmland Foods, Inc. (Denison)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	Admin. Order/Penalty	SW/AQ	Tack	Negotiating before filing.
3/20/97	Sylvan Acres	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
3/28/97	Paul Behounek; Todd Behounek	Admin. Order/Penalty	SW/AQ	Tack	Negotiating before filing.
4/07/97	AGP, Inc. (Ag Processing, Inc.)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/10/97	Lehigh Portland Cement	PSD Permit Denial	AQ	Preziosi	Negotiating before filing.
5/07/97	Delaware County Landfill, Inc.	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
6/06/97	Carroll's Foods of the Midwest	Const. Permit Denial	WW	Clark	Negotiating before filing.
6/10/97	Kruger Seed Co.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/16/97	Ritchie Industries, Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/17/97	Bob Luke d/b/a D & R Tree Service	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
6/30/97	Linwood Mining and Minerals	Admin. Order	AQ	Preziosi	Negotiating before filing.
7/22/97	CIPCO	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
7/30/97	Country Pumpkin	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
7/31/97	Advanced Technologies Corp.	Admin. Order/Penalty	AQ	Preziosi	New case.
8/01/97	Dodger Enterprises Co., Tire Chop Division; Donald Grell	Admin. Order	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC.
8/05/97	Biovance Technologies	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Mgmt. Comm.	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
8/15/97	Ralston Purina Co.	Permit Conditions (25 permits)	AQ	Preziosi	Negotiating before filing.
8/18/97	Stellar Industries Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/25/97	Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash	Admin. Order/Penalty	WW	Murphy	9/97 - Case on hold pending compliance.
9/17/97	Keokuk Steel Castings	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/26/97	Walnut Grove Water Co.	Admin. Order/Penalty	WS	Hansen	Under review by WS section. Connection to water supply for City of Davenport completed.
10/6/97	North Central Cooperative	Admin. Order/Penalty	HC/WW	Murphy	3/98 - Site assessment proceeding.
10/6/97	Big-Ten Mart/Truck Stop	Admin. Order/Penalty	WS	Murphy	Hearing set for 7/17/98. Default entered 7/16/98. Closed.
10/6/97	Holnam, Inc.	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/7/97	Othumwa, City of	Variance Denial	WW	Hansen	Informal meeting held 11/13/97. City submitted proposal. Letter sent to City accepting their proposal.
10/17/97	Iowa Select Farms, L.P. (Gast Finishing Farm) (Hardin Co.)	Admin. Order/Penalty	WW	Clark	Proposed decision 5/29/98. Appealed to EPC 7/2/98.
10/22/97	Lehigh Portland Cement Co.	Admin. Order	AQ	Preziosi	Negotiating before filing.
11/19/97	Troy Elevator, Inc.	Admin. Order/Penalty	WW/HC	Murphy	Negotiating before filing.
12/02/97	Dows, City of	Admin. Order	WW	Hansen	F.O. 2 inspection 3/98. To be set for hearing. Letters received from City regarding progress on preliminary
12/03/97	Milton, City of	Admin. Order/Penalty	SW/AQ	Tack	Negotiating before filing.
12/12/97	Donald E. Grell; Dodger Enterprises, Tire Chop Division	Notice of Intent to Revoke Solid Waste Harcourt Variance	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC.
12/22/97	Dave and Kristi Castenson; Donald Fields, Conservator for Thelma Pirie		WW	Hansen	Hearing set for 7/20, 21/98. Hearings also held 8/20 and 8/28. Hearings completed.
1/07/98	Iowa Select Farms, L.P. (Sow Farm #8) (Wright Co.)	Admin. Order/Penalty	WW/HC	Clark	Proposed decision 5/29/98. Appealed to EPC 7/2/98.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright Co.)	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1/16/98	Pilgrim Heights Camp	NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant.

1/29/98	Ralston Purina Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/30/98	Rockwell City	Admin. Order/Penalty	WW	Hansen	Meeting on 4/22/98 with city's engineer regarding facility plan.
2/13/98	Ed Engelbrecht d/b/a E & E Auto Salvage	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
2/17/98	Irvin Leichty	Admin. Order/Penalty	WW	Clark	Settled 8/4/98.
2/26/98	Ira Cooley, Debby Cooley and Karen Sauer	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
2/27/98	James Mills	Admin. Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
2/27/98	Webb, City of	Admin. Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
3/06/98	Enviro Safe Air, Inc (98-AQ-05)	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/03/98	Pictured Rocks Methodist Camp	Admin. Order/Penalty	WS	Hansen	Facility agreed to install chlorination. FO 2 inspection on 6/29/98.
4/03/98	Cooperative Oil Company; Mickey Berg	Admin. Order	UT/WW	Wornson	Compliance initiated.
4/23/98	North Liberty, City of	Admin. Order	WW	Hansen	Negotiating before filing.
4/27/98	Weise Corporation	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/28/98	ALCOA	Permit Conditions	WW	Hansen	Negotiating before filing.
5/04/98	Ben Haven Mobile Home Court	Admin. Order/Penalty	WS	Hansen	New case. Chlorination system installed by WS.
5/11/98	Teri Cook-Schlutz	401 Certification	WQ	Murphy	Negotiating before filing.
7/01/98	Ag Processing, Inc.	Permit Conditions	AQ	Kaizer	Negotiating before filing.
7/27/98	Mitchell Dam Bar	Permit Conditions	WS	Hansen	Negotiating before filing.
7/28/98	Q C. Metallurgical Laboratory	Laboratory Certification	UT	Wornson	Negotiating before filing.
7/29/98	Eagle Lane Corporation	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
7/29/98	Archer Daniels Midland thru 98-A-515P	Permit Provisions	AQ	Preziosi	Negotiating before filing.
8/13/98	Obie's Hurstville Tap	Admin. Order	WS	Murphy	New case.
8/18/98	University of Northern Iowa	Permit Conditions	WW	Hansen	New case.

Mr. Stokes reported that he has received significant comments on the Brownfields rules and will be discussing them with the TAC next week. He related that there are some significant issues that could be matters of controversy which parties may wish to speak to, so staff recommendation is to not hold an electronic meeting. He noted that the rules would be a few weeks late for the statutory requirement but it would be best to afford the opportunity for parties to come and speak.

Charlotte Mohr asked about the fine for Rosebar.

Mr. Stokes replied that Mr. Schwitters has put some money into it but there is still continuing non-compliance with no measures or efforts being taken to bring the facility into compliance.

#### INFORMATIONAL ONLY

### ENVIRONMENTAL MONITORING LABORATORY SERVICES AGREEMENT WITH UNIVERSITY OF IOWA (WATER & LAND QUALITY) - 1999

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for the FFY 1999 Agreement with the University of Iowa's Hygienic Laboratory (UHL) for environmental monitoring and laboratory services for the Department's water and land quality programs. A separate agreement will cover air quality related monitoring and analytical services. The agreement includes ambient water quality monitoring and reporting; compliance sampling of waste water treatment plants, analyses of field samples, water supply monitoring and reporting; analytical work related to the underground storage tank and uncontrolled sites programs; and provisions for a volunteer water quality monitoring coordinator. Also included is support for the Waste Management Assistance Division's web page. Other than the exclusion of air quality-related services, the proposed 1999 agreement is very similar to the 1998 agreement with only minor changes.

The amount of the agreement is estimated at \$530,778. Attached is a summary of the projected costs broken down by program areas. The agreement amount reflects UHL's best estimate of their actual costs plus the University's indirect cost rate. In general, UHL monitoring/analysis costs have not been increased over 1998 levels. The funds for the agreement will come from various EPA grants as well as fees paid to the Department. Iowa Code §455B.103 requires the Department to contract with state public agencies for these services unless the required services cannot be provided by such agencies

#### ESTIMATED UHL AGREEMENT BUDGET - FFY99

DESCRIPTION	* FIXED PAYMENT AGREEMENT AMOUNT	** VARIABLE PAYMENT AGREEMENT ESTIMATE
<b>Water Quality Monitoring (Article 3.1)</b>		
Fixed Monitoring - Monthly	98,571	
Fixed Monitoring - Quarterly	24,232	
Compliance Sampling Inspections (CSI)	53,248	
Field Support Sample Analysis	66,680	
Fish Kill Sample Analysis		3,000
Emergency Response	15,600	
Fish Tissue Monitoring		1,000
Ecoregion/biocriteria stream sampling		70,000
Stream bioassessment / Watershed Study		43,660
Storm Water Runoff Sampling		5,000
Subtotal	258,331	59,000
<b>Water Supply Monitoring (Article 3.2)</b>		
Monitoring for compliance		5,600
Monitoring for Technical Assistance		4,000
Reporting UHL analytical data	35,116	
Reporting non-UHL analytical data	28,731	
Subtotal	63,847	9,600
<b>Leaking Underground Storage Tanks (Article 3.3)</b>		20,000



DESCRIPTION	* FIXED PAYMENT AGREEMENT AMOUNT	** VARIABLE PAYMENT AGREEMENT ESTIMATE
Waste Monitoring (Article 3.4)		70,000
Coordination and Information (Article 3.5)		39,000
Waste Management Assistance (Article 3.6)	11,000	
<b>TOTAL OF COLUMNS</b>	<b>333,178</b>	<b>197,600</b>
<b>TOTAL AGREEMENT AMOUNT</b>	<b>530,778</b>	

\* The amounts in this column were negotiated on a fixed-cost basis and are paid in equal quarterly payments.

\*\* The amounts in this column were negotiated on a cost-reimbursable basis and are paid monthly or quarterly as accrued. The total amount billed may be less as these are maximum amounts.

Mr. Stokes reviewed details of the agreement.

*Motion was made by Terrance Townsend to approve the Environmental Monitoring Laboratory Services Agreement with University of Iowa (water & land quality). Seconded by Dean McWilliams. Following questions/discussion on computer costs for the programming and data base the motion carried unanimously.*

APPROVED AS PRESENTED

### INTERAGENCY AGREEMENT FOR THE UNIVERSITY OF IOWA HYGIENIC LAB (AIR QUALITY) - 1999

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for the FFY 1999 Agreement with the University of Iowa's Hygienic Laboratory (UHL) for environmental monitoring and laboratory services for the Department's air quality programs.

The duties of the University of Iowa Hygienic Lab staff involve maintaining an ambient air monitoring network, providing field and laboratory services in support of air pollution control programs, and summarizing and reporting air quality data.

The agreement is for the period of October 1, 1998 through June 30, 1999. The agreement establishes four fixed equal payments totaling \$610,413, a variable amount totaling \$180,000,

and a one-time agreement amount totaling \$30,000. A combination of federal 105 and 103 grants, state funds, and the air contaminant fund provide funds for this agreement.

Mr. Stokes explained the contract in detail.

*Motion was made by Rozanne King to approve the Interagency Ageeement with UHL - Air Quality. Seconded by Rita Venner. Motion carried unanimously.*

APPROVED AS PRESENTED

### MANURE APPLICATOR CERTIFICATION PROGRAM CONTRACT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for a contract for \$61,600 with Iowa State University Extension. This is a new, one-year project to develop manure certification training and testing materials for commercial manure applicators and confinement site manure applicators, and will assist DNR in implementing the applicator certification program requirements of House File 2494. Topics covered in the training materials will include: certification and manure management requirements of Iowa law and DNR rules; proper procedures for the storage, handling, and land application of manure; the potential impacts of manure on surface and groundwater; the development of safety and emergency action plans; and sources of additional technical and educational assistance. Contract funds will be used to reimburse ISU for costs incurred in developing the training and testing materials and to provide day-to-day coordination of the manure certification training program.

Funds for this contract will come from the fees to be paid by the commercial manure applicators and confinement site manure applicators.

Mr. Stokes presented details of the contract and program.

*Motion was made by Rozanne King to approve the Manure Applicator Certification Program contract. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED

### NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for five nonpoint source pollution control project contracts. Three of the contracts are for new projects contingent upon award of EPA grant funds. These three are multiple year projects and Commission approval is being sought for the entire project period. The remaining two projects are one year extensions of existing, on-going programs and are being funded from Section 319 grants previously awarded to the Department for these projects.

The project contractors, costs (in terms of Section 319 funds provided), descriptions, and activities supported with Section 319 funds are provided below. Funding from other state and federal programs will also be used to support these projects.

### **Iowa State University Extension**

- **NW Iowa Agribusiness Integrated Crop Management Project, \$155,833** – This is the fourth year of a multi-year project to support an agribusiness dealer training/demonstration program in northwest Iowa. The project is intended to make the delivery of intensive, unbiased integrated crop management (ICM) services by agribusiness a reality. The project is assisting cooperatives and independent dealers in a nine county area of northwest Iowa in developing the capacity to deliver reliable, profitable ICM services to their customers. Project goals include assisting 50% of the dealers in the project area in implementing fee-based ICM services, implementing ICM on 25% of the row crop acres in the targeted area, and reducing fertilizer and pesticide use by 20% or more. Major project activities include developing a guidance document for water quality resource assessment; conducting a training program including workshops, tours, and field laboratory sessions; and providing project information, education and business management materials, soil surveys, and soil survey analysis reports. Contract funds will be used to hire expert crop consultants as needed and to support the information and education components of the project.
- **BMP Promotion in Northeast Iowa - \$51,138** – This is an ongoing project to promote the voluntary adoption of crop and livestock BMPs to protect surface and groundwater resources in a four county in the northeast Iowa area. The contract will allow continuation of the Northeast Iowa Demonstration Water Quality Project begun in 1992. Contract funds will support a part-time Communications Specialist for the project. The duties of the specialist will be to accelerate voluntary adoption of BMPs through such means as bi-monthly project newsletters, multi-media campaigns (newsletters, radio and television) and improved project information and education materials. Funds from other programs support other aspects of the project, such as cost sharing for BMP implementation.

**Iowa Agriculture and Home Economics Experiment Station, Improving Water Quality on Bear Creek with a Riparian Management System, \$163,000** – This new, three-year project will allow the continued development of a riparian management system on Bear Creek in Story County. The Bear Creek site is a nationally recognized site for demonstrating the concepts of water quality improvements through the use of riparian buffers, streambank bio-engineering, rotational grazing, and constructed wetlands. Efforts under this new project contract will focus on demonstrating and evaluating the use of constructed rock riffle weirs to stabilize stream

channels and the use of large constructed wetlands to intercept and improve both surface and sub-surface (tile) water quality before the flows enter Bear Creek. Contract funds will be used to support project staff, construction costs of the weirs, and technology transfer in the form of videos, bulletins, and brochures.

### **Iowa Department of Agriculture – Division of Soil Conservation**

- **Elk Creek Area Watershed Project \$200,000**– This is a new five-year project to protect and improve the Elk Creek watershed in Delaware County. Best management practices (BMPs) to be implemented within the watershed include: contouring, contour strip cropping, terraces, conservation tillage, grassed waterways, grade stabilization structures, nutrient and pest management, rotational grazing, and streambank stabilization. The information and education component of the project will include news releases, tours, meetings, newsletters, etc. The Elk Creek Area Watershed Project will also incorporate demonstration sites from the neighboring Spring Branch Water Quality Project (a Section 319 project in its final year) whenever appropriate. Project funds will be used to support a project coordinator and the public information and education program.

**Bigalk to Bohemian Water Quality Project - \$215,000** – This is a new four-year project to protect and improve groundwater quality in eastern Howard County. A variety of best management practices will be implemented to reduce the impact of agricultural production on groundwater. BMPs to be implemented within the project area include nutrient and pest management, animal waste structures, manure management plans, sinkhole management, grazing management, stream corridor protection practices, abandoned well plugging and wellhead rehabilitation, and farmstead assessments. An information and education program will demonstrate that agricultural activities have a direct impact on the shallow groundwaters of the project area and create an awareness of shallow to bedrock soils and their potential to leach nitrates and pesticides into groundwater supplies. Project funds will be used to support a project coordinator and a portion of the project's nutrient and pest management activities

Mr. Stokes reviewed the contracts for each of projects.

*Motion was made by Charlotte Mohr to approve the Nonpoint Source Pollution Control Project contracts. Seconded by Rita Venner.*

Dean McWilliams asked if riparian management systems really do improve the quality of the water.

Mr. Stokes stated that these systems, in 99% of the cases, have shown positive improvement of the water quality. He noted that he will have staff prepare a presentation on the impacts, successes and failures of these projects.

Rita Venner asked about the specific location of the NW Iowa Agribusiness project.

Mr. Stokes stated that he does not have that information but will get it to the Commission.

*Vote on Commissioner Mohr's motion carried unanimously.*

**APPROVED AS PRESENTED**

## **NOTICE OF INTENDED ACTION--CHAPTER 12, ENVIRONMENTAL AUDITS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended to begin rule making and solicit public comment on a new Chapter 12 to the department's rules. This new chapter would establish rules to implement the new Environmental Audit Privilege and Immunity Act (Chapter 455 J Code of Iowa), enacted by the legislature during their 1998 session.

### **ENVIRONMENTAL PROTECTION COMMISSION [567]**

#### **Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455J.12 [1998 Iowa Acts H.F. 681, § 12], the Environmental Protection Commission gives Notice of Intended Action to adopt a new Chapter 12, "Environmental Self-Audits," Iowa Administrative Code.

1998 Iowa Acts, H. F. 681, known as the "Environmental Audit Privilege and Immunity Act," provides that under certain conditions, owners or operators of facilities may conduct voluntary evaluations of their facilities to determine compliance or noncompliance with environmental regulations, and be afforded some protection that the information derived can not be used against them. These rules establish procedural rules necessary to administer these new Iowa Code provisions, related to Notice of Audit, Request for Extension, and Disclosure of Violation.

Any interested person may make written suggestions or comments on the proposed amendments on or before November 10, 1998. Written comments should be directed to Michael Murphy, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, fax (515)281-8895, or by electronic mail to [mmurphy@max.state.ia.us](mailto:mmurphy@max.state.ia.us).

A public hearing will be held on November 10, 1998, at 1 p.m. in the Fourth Floor Conference Room, Wallace State Office Building, Des Moines, Iowa, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility, should contact the Department of specific needs.

These amendments may impact small businesses.

These amendments are intended to implement Iowa Code chapter 455J.

The following amendments are proposed.

Adopt a new chapter 12, as follows:

## CHAPTER 12 ENVIRONMENTAL SELF-AUDITS

### **567—12.1(455J) General.**

**12.1(1) Scope.** This chapter sets forth rules governing voluntary disclosure of environmental noncompliance discovered as a result of an environmental self-audit conducted by or on behalf of a facility owner or operator under provisions of 455J Code of Iowa.

**12.1(2) Definitions.** As used in this chapter the following terms shall have the following meanings:

*“Act”* means the Environmental Audit Privilege and Immunity Act, Iowa Code Chapter 455J.

*“Department”* means the Iowa Department of Natural Resources.

*“Disclosure of violation”* means the notice or disclosure made by a person to the department promptly upon discovery of a violation as a result of an environmental audit.

*“Environmental audit”* means a voluntary evaluation of a facility or operation, of an activity at a facility or operation, or of an environmental management system at a facility or operation, when the facility, operation, or activity is regulated under state or federal environmental laws, rules or permit conditions, conducted by an owner or operator, an employee of the owner or operator, or an independent contractor retained by an owner or operator that is designed to identify historical or current noncompliance with environmental laws, rules, ordinances, or permit conditions, discover environmental contamination or hazards, remedy noncompliance or improve compliance with environmental laws, or improve an environmental management system.

*“Environmental audit report”* means a document or set of documents generated and developed for the primary purpose and in the course of or as a result of conducting an environmental audit.

*“Notice of audit”* means the notice an owner or operator provides to the department before the owner or operator begins an environmental audit.

*“Owner or operator”* means the person or entity who caused the environmental audit to be undertaken.

*“Request for extension”* means a letter requesting an extension of the time period allowed for the completion of an environmental audit.

**567—12.2(455J) Notice of audit.** An owner or operator is not required to give the department notice of audit before beginning an environmental audit, however they are encouraged to do so. An owner or operator may not be able to take advantage of immunity provisions under the Act if they fail to give notice to the department that they are planning to commence an environmental audit and the department initiates an inspection or investigation prior to the person filing a disclosure of violation with the department. If notice of audit is given to the department the audit must be completed within a reasonable time not to exceed six calendar months of the date the notice of audit is received by the department unless a request for extension has been filed with and granted by the department.

**12.2(1)** If a notice of audit is provided to the department it must be submitted in writing by certified mail. A notice of audit should include the following information:

- a. The name of the facility to be audited;
- b. The location of the facility to be audited (address and city);
- c. The description of the facility or portion of the facility, activity, operation or management system to be audited, including applicable department permit and registration numbers;
- d. The date of initiation of audit (day, month, and year);
- e. The general scope of audit, with sufficient detail to enable a determination of whether subsequently discovered violations are included;
- f. The names of the persons conducting the audit; and
- g. The anticipated date of completion of the audit not to exceed six calendar months.

**12.2(2)** If, after providing notice of audit an owner or operator determines the audit will not be completed by the initial anticipated completion date but within six calendar months from the date of the original notice of audit, the owner or operator should provide the department a written amendment to the notice of audit with the revised anticipated completion date, not to exceed six calendar months from the date of the original notice of audit. Amendments to the anticipated date of completion should be filed with the department prior to the expiration of the original listed anticipated date of completion. If the anticipated date of completion will go beyond six calendar months from the date of the original notice of audit, the owner/operator must file a Request for Extension pursuant to section 12.3 of this chapter.

**12.2(3)** A notice of audit is not privileged information and is considered public information subject to provisions of state open records laws in Iowa Code chapter 22.

**12.2(4)** If a notice of audit is provided to the department the department will provide written acknowledgment of receipt with an assigned identification number for reference and tracking purposes.

**567—12.3(455J) -Request for extension.** If notice of audit is given to the department the audit must be completed within a reasonable time not to exceed six calendar months of the date the notice of audit is received by the department unless a written request for extension has been filed with and granted by the department based on reasonable grounds. Owners or operators are cautioned that continuation of an audit after the initial six-month period without prior written approval from the department may limit the availability of immunity under the Act.

**12.3(1)** A request for extension must be filed in writing with the department at least thirty calendar days prior to expiration of the initial six-month period, and provide sufficient information for the department to determine whether reasonable grounds exist to grant an extension. Written requests for extension must be sent by certified mail. Failure to provide sufficient information could result in delay of approval or denial of the extension, which could jeopardize availability of immunity under the Act.

**12.3(2)** The department will provide written determination either granting or denying the request for extension within fifteen calendar days of receipt of the written request for extension.

**12.3 (3)** Requests for extension will be considered as amendments to the notice of audit and as such will not be considered privileged information. Requests for extension will be considered public information subject to the provisions of state open records laws in Iowa Code chapter 22.

**567—12.4 (455J) Disclosure of violation.** An owner or operator wishing to take advantage of the immunity provisions of the Act must make a prompt voluntary disclosure to the department regarding an environmental violation which is discovered through an environmental audit.

**12.4(1) A disclosure will be deemed voluntary if the following conditions apply:**

- a. The disclosure arises out of an environmental audit and relates to information considered privileged under the Act;
- b. The disclosure is not otherwise required by federal or state law, rule, permit condition, or an order issued by the department;
- c. If no current notice of audit covering the facility, activity, operation or management system is on file with the department, the disclosure is made prior to a violation being independently detected by the department or the initiation of an inspection or investigation by the department;
- d. The violation is identified and disclosed to the department before there is notice of a citizen suit or a legal complaint filed by a third party; or reported to the department by any person not involved in conducting the environmental audit or to whom the environmental audit was disclosed;
- e. The violation does not involve intentional violation of state or federal law, rule, or permit condition resulting in substantial actual injury or imminent and substantial risk of injury to persons, property, or the environment; and
- f. The owner or operator making the disclosure uses reasonable efforts to pursue compliance and to correct the noncompliance within a reasonable period of time after completion of the audit in accordance with a remediation schedule submitted to and approved in writing by the department.

**12.4(2)** An owner or operator may not be able to take advantages of the immunities under the Act if:

- a. Violations are intentional;
- b. Violations resulted in substantial actual injury or imminent and substantial risk of injury to persons, property, or the environment;
- c. Violations resulted in a substantial economic benefit which gives an owner or operator a clear advantage over business competitors; or
- d. The owner or operator has been found to have committed serious violations that constitute a pattern of continuous or repeated violations, or is classified as an habitual violator as set forth in section 455J.8(7)(a) Code of Iowa.

**12.4(3)** A disclosure of violation must be sent to the department in writing by certified mail and include the following information:

- a. Reference to the date of the relevant notice of audit and assigned reference number, if one was provided;
- b. Time of initiation and completion (if applicable) of the audit;
- c. The names of the person or persons conducting the audit;
- d. Affirmative assertion that a violation has been discovered;
- e. Description of the violation discovered and reason for believing a violation exists;
- f. Date of discovery of the violation and interim measures taken to abate the violation;
- g. Duration of the violation if that can be determined; and
- h. The status and schedule, if applicable, of proposed final corrective measures.

**12.4(4)** A disclosure of violation is not an environmental audit report and is not privileged information under the Act. A disclosure of violation is public information subject to provisions



of state open records laws in Iowa Code chapter 22. Owners or operators should not send copies of environmental audit reports to the department.

**12.4(5)** The department will acknowledge receipt of a disclosure of violation in writing which will include either concurrence or rejection of the proposed final corrective measures and schedule. This written acknowledgment will be sent to the owner or operator within fifteen calendar days of receipt of the disclosure of violation.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry J. Wilson, Director

Mr. Stokes reviewed details of the rules noting that he asked three people to sit in an advisory capacity to dialogue with staff on development of the rules. He noted that the rules are designed to encourage people to do audits of their facilities to determine their compliance or problems and to correct the problems.

*Motion was made by Gary Priebe to approve Notice of Intended Action--Chapter 12, Environmental Audits. Seconded by Terrance Townsend.*

Chairman Ehm asked about Section 12.2 in reference to an owner may not be able to take advantage of immunity provisions.

Mr. Stokes explained that a person is not required to provide a notice of audit, but if a disclosure of violation is submitted prior to DNR initiating an inspection, the party would still get the immunity. If the notice is not provided and the department comes in before the disclosure of violation is given, then a party would not have the immunity.

Rozanne King asked, under 12.4(2)b, who determines what "substantial" risk is.

Mr. Stokes stated that it is out of the statute and is going to be a tough one to define.

*Vote on Commissioner Priebe's motion carried unanimously.*

**APPROVED AS PRESENTED**

## **REVISION OF STATE IMPLEMENTATION PLAN FOR PM<sub>10</sub> FOR BUFFALO, IOWA**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is asked to approve for submittal to EPA, a revision of Iowa's State Implementation Plan (SIP) for particulate matter of less than 10 microns size (PM<sub>10</sub>) for Buffalo, Iowa.

Monitored exceedances and resultant violations of the 24-hour National Ambient Air Quality Standards (NAAQS) for PM<sub>10</sub> occurred at the Buffalo monitoring site in both 1994 and 1995. For the period of 1993 - 1995 a three-year average of 4.8 exceedances was calculated. If the calculated estimated exceedance value is greater than 1.0, a violation of the NAAQS has occurred.

The calculated annual arithmetic mean for the three-year period of 1993 - 1995 also exceeded the annual NAAQS for PM<sub>10</sub>.

The Department, in conjunction with the affected industries, a portland cement company and a limestone mining and processing facility, have discussed and reviewed various options for minimizing the PM<sub>10</sub> contributions from the sources. A plan, including the commitments from the facilities, has been developed by this joint effort and is the basis for IDNR's revision to the PM<sub>10</sub> State Implementation Plan (SIP).

The attached plan describes the enforceable administrative consent orders issued by the department that will significantly reduce the contributions of PM<sub>10</sub> sources to the ambient air. These measures are specifically designed to help reduce the amount and ambient impact of PM<sub>10</sub> emissions. Copies of the complete proposed SIP revision are available at the IDNR, Air Quality Bureau's office in Urbandale.

A public hearing to receive comments on the proposed SIP revision was held on August 21, 1998, the final day of a 30-day public comment period, at the Buffalo City Hall. No oral or written comments were received.

(A copy of the SIP Revision is on file in the department's Records Center)

Mr. Stokes reviewed the SIP plan revisions.

*Motion was made by Charlotte Mohr to approve the Revision of State Implementation Plan for PM<sub>10</sub> for Buffalo, Iowa. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED

## REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Sites Services, Ltd. and Wayne Clegg (Algona) - air quality/penalty collection

**Sites Services, Ltd. and Wayne Clegg**

Mr. Murphy briefed the Commission on the history of this case and noted the party phoned last week to say he will pay the penalty and does not want to be referred to the Attorney General. Mr. Murphy noted that if the penalty is received in the next week staff will not refer it, but he would like approval for referral in the event the money does not come in.

*Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Rita Venner. Motion carried unanimously.*

**REFERRED**

**GENERAL DISCUSSION**

Chairman Ehm recognized former EPC Commissioner, Mike Fesler, and thanked him for inviting the Commission to SE Iowa. He also introduced John Glenn, Rathbun Regional Water Association, who discussed dinner plans for the evening and tour plans for tomorrow.

Charlotte Mohr reported on a recent meeting of the Mississippi River Parkway Commission. She distributed a brochure on the Iowa Great River Road and noted that the road has all been identified now with the large new markers.

**NEXT MEETING DATES**


October 19, 1998

November 16, 1998

December 21, 1998

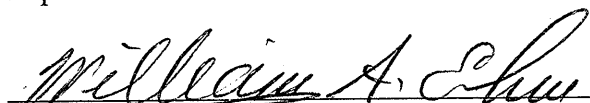
**ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 5:30 p.m., Monday, September 21, 1998.

  
Larry J. Wilson, Director

September 1998

Environmental Protection Commission Minutes

A handwritten signature in cursive script, reading "William A. Ehm", written over a horizontal line.

William Ehm, Chair

A handwritten signature in cursive script, reading "Charlotte Mohr", written over a horizontal line.

Charlotte Mohr, Secretary

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